

<p style="text-align: center;">Comparative Private Law</p> <p style="text-align: center;">Prof. María Paz Gatica Law Degree, University of Chile Law School LLM Comparative and European Private Law, University of Edinburgh Doctoral student, University of Edinburgh Professor of Private Law at University of Chile Law School</p>	<p>The course discusses the basic notions of the comparative law methodology, to subsequently apply it to some of the fundamental areas of private law, such as property, contracts, torts and unjustified enrichment, in the main legal traditions (common law and civil law)</p> <p><i>Up to four classes per program (Available since August)</i></p>
<p>Contract Law: In search of a Viable Reform</p> <p style="text-align: center;">Prof. Nicolás Rojas Law Degree, University of Chile Law School LLM Columbia University School of Law Professor of Private Law at University of Chile Law School Deputy judge at the Antitrust Court</p>	<p>Chilean Contract Law (governed by the Chilean Civil Code of 1855, based on the French Civil Code of 1804) has been subject of many discussions in the last few years, especially on the topic of remedies for breach of contract. The course will focus in the recent developments in this matter, the different models proposed for the reform of Chilean Contract Law, and the influences exerted by the European Private Law unification different projects (in particular, PECL, DCFR and CESL), and the recent French reform of the Law of Obligations</p> <p><i>Up to two classes per program</i></p>
<p style="text-align: center;">Subjects and Objects of Rights: Persons and Things under the Civil Law Legal System</p> <p style="text-align: center;">Prof. Ricardo Quezada Law Degree, Pontifical Catholic University of Chile LLM New York University, School of Law Professor of Private Law at University of Chile Law School</p>	<p>Relying in fundamental notions of theory of law, this class will examine the content of the legal concepts of subjects and objects of rights under the civil law legal system; stressing the most important differences with the meaning those categories have under the common law.</p> <p><i>One class per program</i></p>

Subjects and Objects of Rights: Persons and Things under the Chilean Law and Animal Rights

Prof. Ricardo Quezada

Law Degree, Pontifical Catholic University of Chile
LLM New York University, School of Law
Professor of Private Law at University of Chile Law School

This class will discuss which beings are ought to be considered persons by law; what is the legal concept of persons and things under the Civil Code of Chile; and how the law should be reformed to the end of affording rights for beings currently considered things or property by law, such as nonhuman animals. The last part will focus on solving if the recognition of animal rights in a civil law legal system inescapably requires considering nonhuman animals as persons, or if that end can be achieved without reforming their status of things

One class per program

Property Law: Contingent Conflicts in Chilean Property Law

María Agnes Salah

Law Degree, University of Chile Law School
LLM Harvard University
LLM Tax Law, University of Chile Law School
SJD University of Chile Law School

This class will give the students an approach to Chilean legislation regarding property rights. During the first lesson the main statutes that will be analyzed are the Constitution and the Civil Code, focusing in the concept of property and the different constitutional and civil actions available for its protection. The main goal of the second class is to present current problems regarding property law. For this purpose, different cases discussed by courts and jurists, including property over water resources and the imposition of different types of restrictions over the owner's faculties, will be part of the analysis.

Two classes per program

Abuse of Rights: a Chilean Private-Law Perspective

Cristián Banfi

Law Degree, Pontifical Catholic University of Chile
LLM, University of Chile
LLM, University of Cambridge
PhD. University of Cambridge
Professor of Private Law at University of Chile Law School

This class will explain Chilean case-law and scholarly approaches addressing the situation where a person (tortfeasor/defendant), who is entitled to exercise a constitutional right, e.g. the freedom to compete or the right of property, can nonetheless be held liable for the damages suffered by a third party (victim/claimant) as a result of the defendant having abused of such right or liberty. The hard tension between a person's liberty to undertake a socially and

economically beneficial activity -but which can collaterally, as a side-effect, harm third parties-, on the hand, and the victim's right to be compensated for (or to be freed from) harm, on the other hand, can be dealt with the abuse of rights doctrine

Up to two classes per program

Constitucional conundrum in Chile?

Lucas Sierra

Law Degree, University of Chile Law School
LL.M. Yale Law School
Ph.D. in Political and Social Science
University of Cambridge
Professor at University of Chile Law School
Deputy director at Centro de Estudios Públicos

A social movement has risen in Chile demanding a new Constitution to replace the one drawn up in 1980 under the military dictatorship. This class studies the demands of the Chilean population, the dialogue between the authorities and the people and finally, the process that is taken over in order to draw a new constitution.

Up to two classes per program

Human Rights, Punishment, and Transitional Justice: the Chilean Case

Claudia Cárdenas

Law Degree, University of Chile Law School
LLM Humboldt-Universität zu Berlin
Doctor Juris Humboldt-Universität zu Berlin
Director of Graduate School, University of Chile Law School
Professor of International Criminal Law

The criminal liability of the perpetrators of the major crimes of Pinochet's regime can be asserted without any contradiction with the principles that underlie penal legal institutions. But this does not yet answer the substantive question concerning the reason for imposing punishment upon them.

A distinctive feature of current debate about transitional justice is that retributivist views regarding the moral and legal justification of punishment —that is, views that justify punishment in terms of just desert rather than in terms of general or specific deterrence— are deemed much more plausible in this context. It is therefore critical to inquire about some of the implications of a retributivist conception of punishment which could be relevant in order to assess the exact meaning of punishing crimes which are expression of state terror. In reference to the Chilean case, a truly political overcoming of a past marked by the praxis of State terror cannot be achieved by means of the mere application of criminal law. For though the exclusive recourse to the operation of legal institutions it is not possible to set the ground for the production of a 'new beginning', by which the given political

Juan Pablo Mañalich

Law Degree, University of Chile Law School
JSD Rheinische Friedrich-Wilhelm-Universität Bonn
Professor of Criminal Law, University of Chile Law School

Rocío Lorca

Law Degree, University of Chile Law School
LLM in Legal Theory, New York University, School of Law
JSD New York University, School of Law
Professor of Criminal Law, University of Chile Law School

community can reflectively distance itself from the experience of terror.

Up to three classes per program.

The Chilean Anti-Terrorist Law and its Application against the Mapuche People: The Concept of Terrorism and its Regulation under International Law

Juan Francisco Lobo

Law Degree, University of Chile Law School
LL.M. University of Chile Law School
Guest lecturer at University of Chile Law School
Professor of Legal Theory, Human Rights and International Criminal Law, Diego Portales University

Since the beginning of the 21st century terrorism has become a worldwide phenomenon, and its currency is permanently confirmed by news reports every year. The international community has dealt with this menace in its own way, waging what has been called the “war on terror”, while at the same time trying to meet certain human rights criteria in the fight against this global phenomenon. On the other hand, each country has followed its own path when dealing with cases of “domestic terrorism”, many of them dating back to times much older than those of the international war on terror. In the case of Chile, the centuries-old struggle between two different worlds – Spanish culture and Mapuche culture – has during the last decades taken the form of the criminal prosecution of allegedly terrorist acts perpetrated in furtherance of territorial claims of some Mapuche organizations. The course analyzes the regulation of terrorism under current international and domestic law, using arguments both of *lege lata* and *lege ferenda*. It then moves to examine the application of such normative framework to the case of territorial disputes between the Chilean state and the Mapuche people.

Up to three classes (via video conference since August)

Economic and Regulatory Law Competition Law: lessons from a new system

Nicole Nehme

Law degree, University of Chile Law School
Professor at University of Chile School of Law
Founder Partner at FerradaNehme

Nowadays more than 130 countries have competition law systems. Chile joined this trend, in a definitive way, in 2004. Although less than 20 years have passed since then, the Chilean model has been a story of success. The amendments

Recognized by Chambers and Partners Latinoamérica as the main Chilean lawyer in antitrust issues (Star Individual), 2014

introduced to the Competition Act in 2009 and 2016 have consolidated a robust competition law system, both from the perspective of its institutional design and of its substantive provisions. This course will analyze the most relevant features of the Chilean system, in three modules. The first module will aim to study the history and evolution of the Chilean competition law system, as well as the main characteristics of its current institutional design. The second module will be destined to the study of anticompetitive agreements and concerted practices, the most serious antitrust offences. Finally, the third module will address abuses of dominance, an infringement which is particularly relevant in concentrated economies.

Up to two classes per program

Regulatory Environmental Law

Ximena Insunza

Law Degree, University of Chile Law School
LLM with mention on Environmental Law ,
McGill University, Law School
Master in Public Policies, University of
Chile
Professor of Environmental Law, University
of Chile Law School
Alternate judge at the Environmental Court
of Santiago

The class consists of a succinct revision of the environmental regulation of our country. Consequently, through the study of Law No. 19,300 of General Bases of the Environment , it will be analyzed the bodies of the new environmental organization -with special emphasis on the Environmental Tribunals- and the substantive dimension of the reform , in particular, the main environmental management instruments and the liability regime for environmental damage.

Up to three classes per program

Environmental Law: Legal and Institutional Framework

Patricio Leyton

Law degree, University of Chile Law School
LLM, Georgetown University
Professor of Environmental Law at
University of Chile Law School
Partner at FerradaNehme, area of practice
Environment and Natural Resources

Pursuant to the Chilean environmental legislation, for any relevant project to be developed, it must be analyzed within the Environmental Impact Assessment System (SEIA). We will review how this permitting system works, analyzing when it is required to evaluate a project, which are the impacts it generates, how it must be presented, the stages of the evaluation and the content of environmental permit. Special emphasis will be placed on citizen participation and the Consultation to Indigenous Communities -as

relevant parts of the evaluation process-, as well as on the way in which Chilean jurisprudence has shaped the aspects of the System.

Up to three classes per program

Utilities regulation

Francisco Agüero

Law Degree, University of Chile Law School
Master in Economic Regulation and Competition, The City University London
Ph.D. in Law (c), University of Chile Law School

Introduction to the regulation of natural monopolies such as energy, telecommunications, drinking water and gas, in a country with private participation in the provision of basic services for citizenship

Up to two classes per program

An introduction to freedom of information access regulation in Chile, viewed as a form of State-control

Francisco Agüero

Law Degree, University of Chile Law School
Master in Economic Regulation and Competition, The City University London
Ph.D. in Law (c), University of Chile Law School

Introduction to Freedom of Information Act and its regulatory and judicial practice, viewed a form of State-control by citizens and business

Up to two classes per program

Chilean Mining Law: An Overview and its role in the Chilean Economy

Rafael Vergara

Law degree, University of Chile
Participant, Academy of American and International Law, Southwestern Legal Foundation
Program of Instruction for Lawyers, Harvard University
Partner of Carey and co-head of the firm's Natural Resources and Environment Group

Chile has a great mining development. And its legislation on mining is one of the reasons supporting such development. The class will explain the current stage of the Chilean mining industry and the main applicable legal rules

Up to two classes per program

***Criminal Law
Comparative Criminal Law Theory***

Juan Pablo Mañalich

Law Degree, University of Chile Law School
JSD Rheinische Friedrich-Wilhelm-

In order to engage in a productive comparison between Anglo-American and continental jurisprudence, one must reach a level of

Universität Bonn
Professor of Criminal Law, University of
Chile Law School

abstraction that enables the commensuration of the doctrinal discourse produced in both contexts. In the realm of criminal law theory, such a shared conceptual scheme can be found in the wide acknowledged distinction between two sets of legal rules or standards, by reference to which it is possible to make explicit the 'deep grammar' of the language-game of ascribing —and thus grounding— criminal responsibility. Although one encounters major terminological diversity at this point, the two sets of rules or standards can be neatly identified through the labels 'conduct rules' and 'imputation rules'. Upon this basic conceptual framework, various topics central to the foundations of criminal responsibility can be explored in a way that maximizes the identification of commonalities between both legal traditions, without overlooking their irreducible idiosyncrasies

One class per program

Poverty and Criminal Responsibility

Rocio Lorca
Law Degree, University of Chile Law School
LLM in Legal Theory, New York University,
School of Law
JSD New York University, School of Law
Professor of Criminal Law, University of
Chile Law School

Most people punished by the state belong to the most disadvantaged groups in society. Yet, the liberal theory and philosophy of criminal law has largely neglected the specific normative problems that may be raised by the pervasive connection between economic deprivation and punishment. This class will present the different approaches one may take in trying to assess the normative significance of economic deprivation in the context of criminal law. We will review questions of agency, justification, criminalization, as well as the relationship between political authority, economic justice and the justification of punishment

One class per program

***Procedural Law
Criminal Process and Human Rights, the
Chilean and comparative experience***

Jesús Ezurmendía

Bachelor in Law, University of Chile, Faculty
of Law
LLM Litigation and Dispute Resolution,
University College London
Professor of Procedural Law and Legal
Researcher, University of Chile Law School

The criminal process represents, better than many other legal institutions, the state's level of commitment with Human Rights. In this context, the mechanism whereby a legal system determines the application of penalties can illustrate how healthy the Rule of Law actually is through the recognition and acknowledgement of due process and procedural fairness as a Human Right. The course will focus on the adversarial model of criminal process and its relation to the right to a fair trial and a due process of law. It will analyze and compare the Chilean criminal process with other jurisdictions in civil law and common law traditions, aiming to provide a broad vision of the relevance of Human Rights in criminal justice

Up to three classes per program

Civil Justice and ADR

Jesús Ezurmendía

Bachelor in Law, University of Chile, Faculty
of Law
LLM Litigation and Dispute Resolution,
University College London
Professor of Procedural Law and Legal
Researcher, University of Chile Law School

Nowadays the Alternative Dispute Resolution (ADR) mechanisms have become a second path for justice. Problems commonly associated to civil litigation e.g., cost, delay and expense, are not present in collaborative methods of solving disputes such as mediation and arbitration. Through ADRs, parties recover their main role in finding solutions, a "justice in first person". However, some critics have arose regarding the impact of alternatives to civil adjudication in the right to a fair trial and access to justice as a duty of the State. The course will focus on the relationship between civil justice and ADR, discussing the possibilities of a integrated system as a solution for the growing number of legal conflicts in the 21st century. The lectures will include mediation, arbitration and digital dispute resolution systems, considering the Chilean and comparative regulations

Up to three classes

Principles of Civil Justice: Perspectives on appeals, cassation and other recourses

Javier Maturana

LLB Universidad de Chile
MJur Oxford University

This course comprehends an analysis about civil justice reforms and particularly regarding appeals, cassations and other recourses against judgments. The course starts with an analysis of the reasons that justify a legal reform of the civil justice systems, with emphasis on the Chilean and English Civil Justice Reforms. With this as context, the course then focuses on the reasons that justify having different recourses and the contrasts that exist in the judgments of the Inter-American Court of Human Rights and the European Court of Human Rights regarding the right to an appeal or other recourses. Finally, the course focuses on the goals that recourses fulfil and the different approaches that various legal systems implement to achieve them.

The main objective of this course is to foster legal insights regarding the underlying reasons that justify having different legal systems with different recourses and enable students to develop a critical analysis of their own systems and others with the tools that this course tries to provide.

Up to two classes per program

Civil Procedural Law

Renee Riveros

Law degree, University of Chile Law School
Professor of Procedural Law at University of Chile Law School
Phd University of Valencia

The course content will cover the principal characteristics and fundamental problems and issues of the Chilean civil procedural system, with the description of the Jurisdictional function in Chile, a general overview of the ordinary, summary and enforcement civil proceedings, and the resources system available before the Court of Appeal and High Court

Up to two classes per program

***International Law
Arbitration Law: International Commercial
Arbitration in Chile***

Andrés Jana

Law Degree, University of Chile Law School
LLM Harvard University
Professor of Private Law, University of
Chile Law School.
Professor at Miami Law School
International Arbitration Institute.
Lecturer at University of Texas Law School
Center for Global Energy, International
Arbitration and Environmental Law.
Legal advisor of Chile before the
International Court of Justice

This course will address the main aspects of the regulation of International Commercial Arbitration in Chile, mainly with respect to Law N°19.971. As will be explained in the course, Chile's legislation is pioneer in Latin America, recognizing and regulating arbitration since the first part of the twentieth century by the enactment of the Civil Procedural Code, which created favorable conditions for the development of arbitration. However, the recognition of international commercial arbitration occurred several decades after, with the implementation of Law N°19.971 which copied the UNCITRAL Model Law with practically no modifications. The course will also analyze the decisions of Chilean higher tribunals, which have treated international arbitration as an independent and self-sufficient normative realm, no subjected to idiosyncratic regulations of domestic arbitration.

One class per program

***Arbitration Law: International Commercial
Arbitration in Latin America***

Andrés Jana

Law Degree, University of Chile Law School
LLM Harvard University
Professor of Private Law, University of
Chile Law School.
Professor at Miami Law School
International Arbitration Institute.
Lecturer at University of Texas Law School
Center for Global Energy, International
Arbitration and Environmental Law.
Legal advisor of Chile before the
International Court of Justice

This course aims to address the past and present of international commercial arbitration in Latin America. The course will start with an introduction of the previous developments of both investment and commercial arbitration in Latin America, to then discuss the new arbitral culture that is being developed in several countries of Latin America (especially Chile, Colombia, Brazil, Mexico and Peru), making specific reference to the latest legislative milestones and relevant judicial decision which show support for international arbitration. As will be explained, the myth of the hostility towards international commercial arbitration by Latin American countries should now be dismissed.

One class per program

Chile before the International Court of Justice: Maritime Dispute (Peru v. Chile)

Ximena Fuentes

Law degree, University of Chile Law School
DPhil in International Law, Oxford University
Professor of Public International Law, University of Chile Law School
National Director of State Borders and Boundaries
Agent of Chile before the International Court of Justice

In 2008 Peru submitted an application before the International Court of Justice, asking the ICJ to delimit overlapping maritime zones between Peru and Chile. Peru claimed that the parties have never reached an agreement on maritime delimitation; therefore, it was for the Court to draw a line dividing the maritime zones appertaining to Chile and Peru. Contrary to this view, Chile claimed that there was a delimitation agreement between the two countries. According to Chile, in 1952 the Parties agreed that the maritime boundary was the geographical parallel of latitude of the point at which the land boundary reaches the sea. The case is interesting because it shows how the Court assessed the conduct of the parties in a period of time that covers more than 60 years in relation to their maritime zones, in a period of time that runs parallel to the new and fast developments in the law of the sea.

One class per program

Chile before the International Court of Justice: Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)

Ximena Fuentes

Law degree, University of Chile Law School
DPhil in International Law, Oxford University
Professor of Public International Law, University of Chile Law School
National Director of State Borders and Boundaries
Agent of Chile before the International Court of Justice

In 2013 Bolivia submitted an application against Chile, before the International Court of Justice asking the ICJ to declare that Chile is under a legal obligation to negotiate with Bolivia an agreement granting to Bolivia a sovereign access to the sea. Chile objected to the jurisdiction of the Court on the basis that the Bolivian claim refers to issues that are governed by the 1904 Boundary Treaty between the two countries and that, therefore, in accordance with the terms of the Pact of Bogotá, the Court did not have jurisdiction. However, the Court decided that the question whether or not an obligation to negotiate have been created between the parties is not responded by the 1904 Treaty and that, accordingly, it has jurisdiction in this case. In the session about this case, the students will be invited to think about the arguments of the parties to probe and to negate

	<p>the existence of an obligation to negotiate.</p> <p><i>One class per program</i></p>
<p><i>Chile before the International Court of Justice: Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)</i></p> <p>Ximena Fuentes Law degree, University of Chile Law School DPhil in International Law, Oxford University Professor of Public International Law, University of Chile Law School National Director of State Borders and Boundaries Agent of Chile before the International Court of Justice</p>	<p>In 2016 Chile decided to bring Bolivia before the ICJ, in order to obtain legal certainty about the status of the Silala River as an international watercourse and Chile's right, as a riparian, to an equitable and reasonable use of its waters. This dispute emerged because Bolivia asserted that the Silala is not a river, but that its waters have been artificially diverted into Chile. This position of Bolivia contradicts the position it hold for more than a 100 years. The first time Bolivia claimed that the Silala is not an international watercourse was in 1999. This lecture will allow the students to understand the provisions of the ILC Articles on International Watercourses and to examine the arguments of the parties in this case.</p> <p><i>One class per program</i></p>
<p><i>Chile before the International Court of Justice: Assessment of the Pact of Bogota</i></p> <p>Ximena Fuentes Law degree, University of Chile Law School DPhil in International Law, Oxford University Professor of Public International Law, University of Chile Law School National Director of State Borders and Boundaries Agent of Chile before the International Court of Justice</p>	<p>The Pact of Bogota (1948) is an old treaty that has experienced a revival in the last years. Most of the Latin American cases before the ICJ, base the jurisdiction of the Court on the Pact of Bogota. This treaty attempted to prevent the parties from resurrecting old disputes that have been solved by treaties or judicial decisions of international tribunals. The text of the Pact has not been entirely successful in attaining that purpose; however, the Pact has contributed to the solution of new disputes that have emerged between LA countries. The pros and contras of the Pact of Bogota as a dispute settlement treaty will be examined.</p> <p><i>One class per program</i></p>

The Antarctic Treaty System and its Future: Introduction and Historical-Geographical Background

Luis Valentín Ferrada Walker

Law Degree, Universidad de Los Andes
Phd on Law University of Chile, Law School
Professor of International Law, University of Chile Law School
General Editor of the Revista Tribuna Internacional law journal, University of Chile Law School
Member of the Humanities and Social Sciences Expert Group (HASSEG) of the Scientific Committee on Antarctic Research (SCAR)

The history of human relation with the Antarctica will be reviewed. Its search, discovery, exploitation of natural resources and the more recent interest for science and the environment will be considered in their historical context. The development of legal framework will be also revised explaining the Antarctic Treaty System (ATS) conformation.

One class per program

The Antarctic Treaty System and its Future: Operation of the International Regime of the Antarctic Treaty System.

Luis Valentín Ferrada Walker

Law Degree, Universidad de Los Andes
Phd on Law University of Chile, Law School
Professor of International Law, University of Chile Law School
General Editor of the Revista Tribuna Internacional law journal, University of Chile Law School
Member of the Humanities and Social Sciences Expert Group (HASSEG) of the Scientific Committee on Antarctic Research (SCAR)

In this session the complex legal framework will be reviewed. There are four international agreements that conform the ATS: The Antarctic Treaty (1959, in force 1961), the Convention for the Conservation of Antarctic Seals (1972, in force 1978), the Convention on the Conservation of Antarctic Marine Living Resources (1980, in force 1982), and the Protocol on Environmental Protection to the Antarctic Treaty (1991, in force 1998). In addition, the Antarctic Treaty Consultative Meetings (ATCM) and the Commission to Conservation of Antarctic Marine Living Resources Meetings have legal capacity to agree compulsory rules that are part of the ATS too.

One class per program

The Antarctic Treaty System and its Future: Challenges to the Antarctic Treaty System

Luis Valentín Ferrada Walker

Law Degree, Universidad de Los Andes
Phd on Law University of Chile, Law School
Professor of International Law, University of Chile Law School
General Editor of the Revista Tribuna

The ATS has been relatively successful in the last five decades but it faces some challenges at the present. They can be categorized in five groups: (1) Internal relations among ATS participants and specially the ATCM capacity to produce norms for Antarctic governance; (2) External relations of ATS

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Scientific Committee on Antarctic Research
(SCAR)

and States participating in this regime with other
States of the World and International
Organizations; (3) Political and legal position of
Claimant States, its present influence in the ATS
and threats to the 1959's rule that suspend
territorial Antarctic controversies; (4) Antarctic
environment protection and use (or misuse) of
some legal tools that have been developed with
this aim; and (5) Use and exploitation of Antarctic
resources and its economic and political
consequences.

One class per program