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MR. LUDWIG KRAMER

European Economic Community

Ladies and Gentlemen,

I have to say some words for the EEC Commission to rap up this Conference.

First of all of course to deliver our warm thanks to the Hungarian government which hosted this Conference so successfully and allowing us to enjoy quite a number of very pleasant moments, like last yesterday night where we went out to see some really good dancing, horse riding, getting some food and so. On my turn I have to thank all the people behind this screen and it is impossible to enumerate them all, all the more since the EEC Commission, while officially cosponsoring this event, has been relatively little involved in the actual administrative day to day preparation. The Commission is a small body compared to the EPA and this might be the reason for this relative discretion, believe me ladies and gentlemen, all the more do we know to appreciate the tremendous effort the Dutch Department of the Environment and EPA have invested into the preparation of this Conference. That was a tough time these three years for these two bodies and they had difficulties and they overcame them with a lot of courage and a lot of enthusiasm to bring us all here together. I would also like to say something in substance to perhaps this part of the continent and these are five points which I would like to make.

The first point is that I would like to take up a word which my friend Miltos Vassilopoulos had mentioned two days ago. Colleagues from Eastern and Central Europe. We are on your side. If you look into the state of enforcement inside the EEC, and I have no authority to talk for anybody else, we still have to do these things which we all have been discussing these last four days. You have heard relatively little I would say about failures of enforcement in Western Europe but there are. It is sometimes horrible and it is sometimes deploring what kind of waste of effort there is done in not protecting the environment by not enforcing the rules which have been set by parliaments, by governments and by authorities.

A number of Western countries inside the EEC have a tendency towards environmental problems which might also be found back in this region, that pollution is an act of god that it is not something which you can go against, which you can fight, where you can try to start the citizen action, ask for information for transparency and so on. It comes somewhere from the sky and you just suffer from it and this is part of the EEC reality today 1992. We try to change these things but it goes very gradually, very slowly and there is no hope even with such brilliant conferences. There is no hope of making a switch and all change to the better.

My second point is, and it was already Mr. de Vries who mentioned it a moment ago. It has been raised on a number of remarks during the Conference but I believe it needs to be stressed because I also think it is of paramount importance. We have talked a lot of enforcement and we have talked much less of the environment. This is clear because enforcement is part 01 the whole undertaking and this Conference concentrated on the environment. But where we should be aware of problems is the problems of nature. Of nature conservation and protection considering licenses, issuing good licensing permits certificates authorization is very good but where there is a conflict between a project and construction of an installation, construction of a road, motorway or an airport or an industrial plant and nature the EEC experience is that in 99 cases out of 100 nature is on the losing side. We have not managed these last 20 years despite all our legislation and despite all our efforts to bring the slow and gradual and progressive downgrading of nature, the disappearance of

fauna and flora to hold, to reverse the tendency in Western Europe and be careful in this part of the continent which has maintained a great number of natural beauties, be careful that you do not believe it is a fatal way that nature must disappear by human activity expense. There are possibilities to go against it and I submit to you that neither in the west nor in the centre or in the east of this continent we do enough to protect the nature, fauna and flora.

All these words of sustainable development the Commission has issued a green book on sustainable transport but sustainable is written in letters which you can not read and transport is written in capital letters and that is the problem of economic development. The conflict between ecology and economy is the economy which prevails and if do not manage with our enforcement procedures to change this tendency if we then look ahead 25-30 or more years ahead there is not much which we can give our children or grandchildren or can leave them. This I find the biggest challenge for any enforcement body, for any enforcement authority indeed for any environmental authority because we have a tendency since we talk and communicate with polluters, actual or potential, industrial developers and so on. We have a tendency of overemphasizing this aspect of arranging with polluters. In her book "The Silent Spring" Rachel Carson told us, and again I take up this point, that nature dies away in silence, that nature does not have voice, and if we do not manage to give a voice to this disappearing nature. All our efforts in economic and industrial development they are not that successful I would say.

The third point was touched already upon. I do not believe that either in Western Europe nor in Central and Eastern Europe we will have the capacity of drafting legislation which is revolutionary. Societies are not made like that. Progress arrives by inches of millimeters, if at all. The lesson for Central and Eastern Europe, if there is any, can only be tried to base on your indigenous potential of law making of structures and to improve that step by step gradually. If you can go quicker OK but be careful because imports of systems sometimes have reverse effect. Greater transparency, increase of standing for NGO'S, increase of participation are all very important but these are to developed step by step otherwise the machinery, the administration, the bureaucracy if you so wish which has the power in the west of Europe and perhaps in this part of Europe too will hit back and the achievements are abroad to nothing.

This is another aspect and this is my fourth point that we must be careful, certainly on this continent I can not say anything about the United States or North America. We must be careful of avoiding that we come into a situation of legalized pollution, that public authorities, enforcement agencies arrange with polluters in order to set environmental legislation which finds agreement and acceptance among public authorities and among polluters but which might not be that acceptable for the environment. This, certainly on this continent or in Western Europe if you so wish, demonstrates the overwhelming need to have somebody to criticize and to put into challenge the authorities. During these days you have heard relatively little on criticism of enforcement agencies, on public authorities. If democracy is to be taken seriously then we need criticism challenging of law makers and law enforcers by media, by NGO'S, by citizens because power tends to corrupt we learn at school. And absolute power tends to corrupt absolutely. In Western Europe we have given most of the protection of the environment and the enforcement of the protection legislation to the administration.

The power is there and already sharing the knowledge about pollution meets this kind of objection because sharing the knowledge means sharing power and therefore it goes ahead so slowly and raises so many difficulties. The legalized pollution is a thing which we must be very careful of. Inside the EEC we find very nice words that environment impact assessments have to be made for any motorway which is built, but I quote this example just

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to inform you that there is an enormous effort of the whole transport sector all over Western Europe to get out of this rule and not to make environmental impact assessments or first get a governmental decision or a decision by parliament or by whomever to have this and that built and then make the assessment and keep the decision, the option open. This is a risk which probably enforcement agencies alone cannot solve.

This brings me to my last point, and than I would not longer bother you. I do believe that the biggest problem for enforcement agencies is the problem that enforcement agencies which are set up in our countries do not enforce. For one reason or the other, either they cannot enforce or they will not enforce. We might have to address much more in detail the point what do we do in order to make enforcement agencies actually enforce. In Western Europe no enforcement administrations, to my knowledge, has ever been brought to court. These kind of court suits in theory do exist. In practice they do not exist. If that is correct that the failure is with the non-enforcement by those bodies which are set up than we have to think of remedies and means to counter, attack or tackle this failure in our society. All this to show that one should not take back from this Conference that inside the EEC or in Western Europe, again I do not, cannot and will not talk about the United States, that things are alright. They are not. The environment is not in a good shape in Western Europe.

The Dutch example, with the greatest respect and admiration to the Dutch system, is not a model which is generally existing in Western Europe. We all know that and the Dutch know it themselves quite well. Do not think that there is a gap between the West and the East in these things, they are different degrees in problems. This is the whole of the of criticize what I was trying to say. Let us try to go away from this Conference and see what we can do in order to get environmental legislation better enforced. We have some very negative experiences in the West. Perhaps one day we could share those negative experiences also with you because we all can learn from the past.

I have to thank you for your patient attendance. The program organizers have made a very heavy program, Sometimes it was tough to sit in more than 15 speakers a day. I am sure now that the end is closed and the final reception too all this is forgotten. I do hope that this is a beginning of a fruitful discussion and cooperation in this area of environmental enforcement.

Thank you very much. Good luck.