
**CLOSING REMARKS FOR THE THIRD INTERNATIONAL
CONFERENCE ON ENVIRONMENTAL ENFORCEMENT**

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Ladies and Gentleman, we come to the close of what has been by all accounts a very successful and productive conference. On behalf of the Executive Planning Committee for the Third International Conference on Environmental Enforcement, we want to thank the speakers, facilitators, those who prepared papers, and of course, participants for your contributions which made this Conference a success. Who could have imagined a better exchange than seeing representatives from the several countries represented here joining forces in the workshops to solve environmental problems, design compliance strategies and enforcement programs, and play roles in enforcement negotiations so effectively. We explored institution building options, shared information, and reached new conclusions on special topics of great interest to environmental enforcement policy makers throughout the world.

We are all committed to return to our respective countries and regions of the world to achieve our ultimate conference objectives: to enhance existing or to develop new compliance and enforcement programs so that our ultimate mission of protecting human health and the environment and ensuring sustainable economic development are realized.

Conference sponsors, the United States Environmental Protection Agency, the Netherlands Ministry of Housing, Spatial Planning and the Environment, the United Nations Environment Program IE/PAC, the World Wildlife Fund, and Mexico's Social Development Ministry, SEDESOL, assisted by the Executive Planning Committee (including the sponsors as well as officials from Canada, Chile, Costa Rica, Jamaica, Indonesia, and Nigeria) prepared this Conference as part of a continuing international collaboration to enhance environmental enforcement.

We look forward to your conference evaluations to see how we can best keep up the momentum of these conferences in regional and international networks, workshops, continued exchanges, and development of useful materials. In particular, we ask each of you to review the workshop materials and technical support documents to comment on how we can improve upon them to make them most useful to you. Please tell us: if something has been left out, what changes should be made, how you liked the workshops themselves, and what you think of the format. We need to know. We need your help.

In response to comments at our previous conferences, these past four days included many opportunities for small group discussions and workshops as well as plenary sessions. We would like to highlight some of the key conclusions that have come out of our discussions:

1 SIGNIFICANCE OF ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT TO ACHIEVING SUSTAINABLE DEVELOPMENT, GLOBAL AND DOMESTIC ENVIRONMENTAL GOALS

Our opening speakers highlighted the significant and crucial role environmental enforcement can and must play if we are to succeed in achieving the goals of international efforts such as Capacity 21 from the United Nations Conference on Environment and Development, NAFTA, GATT, and Basel. We must always remember that economic prosperity, sustainable development, enhanced trade opportunities and environmental protection are inextricably linked and dependent on each other.

2 AFFIRMATION OF A COMMON SET OF DEFINITIONS, PRINCIPLES AND FRAMEWORK FOR ENVIRONMENTAL ENFORCEMENT

We had an excellent overview of the definitions of the terms compliance, enforcement, and compliance and enforcement programs, which provided us with a common frame of reference for discussion and exchange despite our different cultures and legal settings. We all had an opportunity to apply those principles to interesting case studies reflecting shared environmental problems in residential and industrial waste disposal, petroleum refining and petrochemicals, mining, tourism and deforestation. In those case examples we often bridged the gap between traditional pollution control and sustainable development. We also were inspired by hearing today of the experience of the United States, the Netherlands, Barbados, and Guyana in actually addressing those problems .

3 CHALLENGES TO ENVIRONMENTAL COMPLIANCE

Three speakers from Nigeria, Argentina and Poland shared their experiences on the challenges of environmental enforcement from three regions of the world. There are challenges which are common regardless of whether one is establishing a national environmental enforcement program or enforcing at a regional level, whether starting from scratch or improving the implementation of an existing program. First, a catalyst is needed to break the inertia of inaction about compliance problems. Second, there is a constant search for funding and trained personnel. Third, interagency conflicts and provincial/federal jurisdictional conflicts must be resolved or they will impede progress. Fourth, political instability in particular plagues the advances in many programs. Fifth, creative and even courageous interpretation of laws are often necessary to begin constructive response to environmental problems. Finally, national commitments have to be supported by international cooperation.

4 INSTITUTION BUILDING: DESIGNING COMPLIANCE AND ENFORCEMENT PROGRAMS

During the plenary sessions we heard examples from three programs: Norway, Mexico, and the Netherlands, on how they are building institutional capacity. Norway's program has evolved from an integrated permit and compliance program in which personnel had multiple roles to an independent enforcement and inspection function to achieve improved professionalism. They also fund their program using fees and third party audits to supplement their inspections. Mexico has established extensive training programs for their inspectors and is working hard improving interagency coordination and decentralization of enforcement. The Netherlands has established coordinating councils to organize response to violations among several agencies at different levels of government efficiently and to address all aspects of the problem.

The four UNEP workshops: on organizing, resources for, design of compliance monitoring and enforcement programs, and permit processing enabled participants to explore these topics

starting from case studies of increasing complexity and sharing experiences among themselves. The repeated four UNEP workshops were well attended demonstrating the relevance and usefulness of this UNEP training initiative. With this experience, UNEP will now further develop the training material.

5 SPECIAL TOPIC WORKSHOPS

Our eight special topic workshops were lively and informative.

5.1 Export/Import of illegal shipment

Several obstacles to gaining strong controls on the export and import of illegal shipments of hazardous waste, toxic chemicals and contaminated product still exist. In particular, the search for a clear and consistent definition of hazardous waste continues to be a challenge, and detection requires extensive coordination of departments within governments and internationally. Exporting nations need to take more responsibility for promoting compliance given the lack of full understanding of international requirements. Lack of strong requirements in some developing countries, sufficient to protect them from improper disposal of hazardous waste is still a problem. To effectively control export and illegal import there is a need to continue the ongoing international efforts to share information and develop regulatory and institutional frameworks through Interpol, Basel Convention implementation and local regional cooperative arrangements.

5.2 CFC controls to implement the Montreal Protocol

Several developed nations have begun aggressive enforcement programs aimed at implementing the goals of the Montreal Protocol. However, many developing countries and some developed countries have not yet begun to achieve the international goals set by the Montreal Protocol due to lack of support, lack of funding and lack of capacity. As CFC containing materials are banned, illegal exports, particularly to developing countries are increasing and there is a particular need for cooperation and transfer of knowledge.

5.3 Role of police

Police offer significant potential to serve as additional eyes and ears for detecting environmental violations given their significant number and distribution and lack of sufficient resources in environmental departments. Police may play a particularly valuable role in uncovering and solving environmental crimes and some countries have developed specialized police to investigate this sort of criminal activity. Training is essential to make police aware of environmental infractions, civil and criminal, and to enhance their appreciation of their significance as crimes. Given the need for technical skills and know-how, the role of police must be carefully coordinated with that of the environmental department, using different means applicable to respective countries.

5.4 Criminal enforcement

Countries employ criminal enforcement very differently, some reserving it for the worst offenses, while the majority of environmental offenses are criminal in other countries. Most countries recognize the particular deterrent value of criminal enforcement in the potential and actual application of jail terms to violators. Education of judges and hearing officers can be a key factor in the successful prosecution of environmental crimes. Criminal enforcement mechanisms can deliver a full range of potential sanctions and consequences for responding to environmental violations, and not just jail terms and fines in many countries. It is increasingly being viewed as an important enforcement tool best utilized in an enforcement scheme which contains multiple response options.

5.5 Government owned and operated facilities

It is essential for the credibility of compliance and enforcement programs and achievement of environmental goals that government owned and operated facilities be held accountable for compliance just in the same manner as private sector facilities. Although there is significant public support for the idea that governments should live up to the environmental standards they set for their citizens, legal and political barriers make this idea very hard to implement. A variety of approaches and institutions are necessary to produce environmental compliance and cleanup at government facilities. Most important are an independent judiciary, funding for compliance and cleanup, public awareness and involvement and enforceable requirements.

5.6 Voluntary compliance

Voluntary compliance programs are important to achieving compliance, especially as a complement to a regulatory framework and strong enforcement program. Countries which are just developing their regulatory and enforcement framework may only be able to begin with voluntary compliance efforts but such initiatives are strongly encouraged, even though their effectiveness will be far greater once enforcement and regulatory frameworks are in place. Approaches need to examine all aspects of compliance, using all motivations, particularly public pressure and concern for market share. The role of media is important in raising public awareness.

For small or economically marginal business, the goal of voluntary programs might be compliance with the law, whereas large or more profitable businesses can be encouraged to go beyond compliance to reduce waste and prevent pollution. There are significant benefits to promoting environmental auditing by companies and policies should avoid discouraging self audits. Environmental education can change behavior in early years, establish environmental values, and provide for public pressure for compliance.

5.7 Field citation

Empowerment of field officers to take complete enforcement action when confronting certain types of environmental violations was widely viewed as a desirable feature of an enforcement program. Field citations were felt to have a great deal of potential for streamlining lengthy administrative enforcement procedures which have proven to be very frustrating to enforcement officials around the world. There were a wide variety of approaches among countries to the authorities given to field officers, ranging from assessment of a small fine to closure of the facility. Field officers can include a variety of personnel including inspectors, park rangers and police officers.

5.8 Economic instruments

World-wide experience with economic instruments for environmental protection is still quite limited although a wide range of economic instruments have been used in developing as well as developed nations. Success The potential is significant, and actual results have been felt particularly in boosting recycling programs, but there are costs also. Experience to date indicates that some types of economic instruments, especially the more complex ones such as tradeable permits, can require at least as much enforcement and monitoring as do the more traditional command-and-control regulations. Economic approaches in fact require good information and monitoring systems which can also raise costs for regulated entities. There is real interest in the potential of economic instruments to address environmental issues more efficiently. However, this interest is tempered with caution, particularly in developing countries, given the difficulty of implementation and the fact that a firm regulatory and enforcement base is often required.

6 EXPERIENCES IN COMPLIANCE AND ENFORCEMENT

Many of the conference participants volunteered their experiences to achieve compliance and environmental results using a range of approaches from promoting voluntary compliance, to use of economic instruments, to enforcement of statutory and regulatory mandates. Each of these experiences adds to our knowledge of what can work or not work in a variety of settings. We have much more to do to capture and define compliance and enforcement success, and to document our experiences so we all can share what we have found to be more commonality among our nations than differences.

7 ROLE OF COMMUNICATIONS

There is widespread agreement that an informed and supportive citizenry is essential to achieve the political support for enforcement, and communication of enforcement actions is essential to gain the deterrent impact of enforcement response. Public disclosure led to major pollution prevention efforts instead of cleaning up pollution at the end of the pipe. The press can be a major ally in helping to improve compliance and implement enforcement programs.

8 BUILDING INTERNATIONAL ENFORCEMENT NETWORKS

It has been enormously inspiring to see the representatives from almost 80 countries and international organizations meeting here in Oaxaca around common problems and challenges. Since 1990, and every two years since, we have doubled the number of countries and international organizations participating in the International Conferences, from Utrecht to Budapest, and now Oaxaca. We have shifted our locations to build a stronger regional as well as international networking capacity from Western Europe, to Central and Eastern Europe to Latin America. In two years, we hope to take the conference networking to focus in Asia, and in the interim, to build on the relationships that have been made here within the Caribbean basin, South and Central America, Africa and Asia.

Within Europe, the legacies of the first International workshop in Utrecht and the second Conference in Budapest have begun to realize their promise. The European Community and its member states have established workgroups and exchanges on compliance and enforcement issues. There is enormous activity now in Central and Eastern Europe to enhance environmental enforcement. Interpol has been strengthened as an institutional mechanisms for exchange of information on environmental crime, the Caribbean basin is coordinating efforts to protect the Gulf of Mexico and its fragile ecosystems.

The historic North American Free Trade Agreement and its environmental side agreements have established an unprecedented level of international cooperation and mutual support in enforcing environmental laws.

Let us leave here with a new commitment and resolve to work with and help each other achieve even greater success.

Personal remarks of Mr. Steven Herman:

I would like to add a personal note. At the beginning of the Conference, I expressed the hope that our experience here would reap both practical and inspiring benefits. My own perception is that it has. First, there was representation at this conference from almost 70 countries. We had very distinguished officials from the largest and the smallest nations, the richest and poorest nations, industrialized and nonindustrialized countries. We spoke many different languages and we have different forms of government.

Despite these differences, anyone who had the privilege of participating in any of the workshops or other activities could not help but be struck by the open mindedness, depth of knowledge, and seriousness of purpose of all of you.

Everyone acknowledged that the problems which some of us have been wrestling with for many years, and others of us are just starting to confront, are complex and controversial. There are no right answers, and there certainly are no easy answers. Not one of us has the silver bullet.

Every single person here is a pioneer. Every day we are tackling new problems and questions for those answers. No one has a more difficult mission than we do. The consequences of our actions will be felt by our children and all succeeding generations. The most we can do is think openly, creatively, honestly, with each other and share what we know and what we do not know. On this level we were a smashing success.

We have set an example of how people who come from different countries with different languages, different histories, different political systems can work together. The big can listen and learn from the small. The small can benefit from, without being dominated by or from, the big. Most importantly this conference has encouraged and fostered civilized listening. It has allowed relationships to form which will be of benefit to each of us. And it has reinforced the very basic truth that we must work together if any of us are going to enjoy life on this planet.

On behalf of Pieter Verkerk and myself, we bring this Conference to a close. We have a very important effort to undertake. I am confident this Conference has made a major contribution to the ultimate success of that effort. You should all be very pleased with your colleagues and with yourselves.

Congratulations. We look forward to working with you all in the coming years.