
INSTRUCTIONS FOR UNEP INSTITUTION-BUILDING WORKSHOPS

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1 UNEP'S INVOLVEMENT

UNEP's role is in the dissemination of information on environmental issues to all member countries of the UN and in acting as a catalyst by promoting and initiating environmental activities. Countries can expect UNEP to assist them with their requests concerning all matters related to the environment, in the broadest sense of the word.

The third day of this conference will provide a focus on UNEP's contribution to capacity building in the field of compliance and enforcement in four of the twelve workshops. The issue of capacity building in compliance with and enforcement of environmental laws responds perfectly to the outcome of the 1992 UNCED meeting in Rio.

2 INTRODUCTION

2.1 From regulations to industry compliance

In April 1990, the UNEP office in Paris (IE/PAC) organized the first meeting of a group of senior experts on industrial enforcement from eight countries. The experts presented and explained the procedures for environmental enforcement in their countries. This starting point resulted in issuance of Technical Report 11, "From Regulations to Industry Compliance," subtitled "Building Institutional Capabilities." The report was published in 1992, after a thorough review and incorporation of the latest concepts on this subject. The report, or guideline, was made available at the Budapest Conference in 1992.

The main concept of the guideline was to provide a framework for capacity building in compliance and enforcement programs and to create a starting point for developing or newly emerging countries (NEC). The guideline focused on countries that felt the need to initiate a program to address the issues of compliance with and enforcement of environmental laws—particularly, those countries that had promulgated a large number of laws, without sufficient control mechanisms and infrastructure to make such laws really effective.

The guideline is good reading material. It is not a recipe, nor is it the final solution to specific problems. The guideline discusses, in a very generic manner, key issues facing licensing and compliance authorities (control organizations, inspectorates) and guides the reader through the general procedures of permitting, monitoring of compliance, and enforcement.

The guideline triggered reactions worldwide and requests for further assistance soon reached the office of UNEP IE/PAC in Paris. The main question—how to get started—became the issue and required a proper response. The need became obvious to develop a comprehensive manual aiming at a "do-it-yourself" level in this field.

2.2 Budapest Conference in 1992, manual: Industrial Environmental Compliance and Enforcement Programs

The papers presented during the Budapest Conference in 1992 and the adoption of "The Principles of Environmental Enforcement" (developed by U.S. EPA at the request of the Polish Environment Ministry in cooperation with VROM) text and course material as a framework for

international exchange accelerated recognition of the need for a training manual which would take the next steps toward program design and development. The manual, titled "Industrial Environmental Compliance and Enforcement Programs" (within the framework of building institutional capacity), shows how to promote and progress in compliance and enforcement at the various levels of program development. The manual puts into perspective the major elements in the establishment of an effective program. The manual further delineates the various possible routes that can be taken in establishing environmental compliance and enforcement programs.

The manual also adopts the "train-the-trainer" philosophy and enables officials of environmental organizations to use the manual as a reference in designing programs and as a training document for their staff.

As it stands now, the manual will be presented as a draft to the participants in this conference. The manual will be discussed in the working groups during four of the sessions on day three. It will be revised to incorporate the comments of the participants. After revision, it will be published for distribution worldwide. With the limited funds available, UNEP will provide further assistance in training for those countries that ask for such assistance. However, the countries themselves must do most of the work.

3 GENERAL ORGANIZATION OF THE MANUAL

The "Industrial Environmental Compliance and Enforcement Programs" manual now on the table presents reading material in several modules. The modules describe the major elements in the development of environmental compliance and enforcement programs. Special emphasis is placed on permitting and on the human and financial resources required for such programs.

The case studies selected as training material describe, in increasing complexity, the various levels of development of compliance and enforcement programs. Building the institutional capacity of the program of a given country, in balance with a workable compliance and enforcement program, is the ultimate goal of the training exercise. In presenting the case studies transparencies will be used to strengthen the impact of the material and to promote discussion among the participants.

With the help provided and the answers given in the case studies, participants can find ways to create programs on their own that match the program capacity of a particular country with the existing infrastructure in that country.

The contributions and the comments of the participants at the workshops will be taken into account in compiling the final manual. The solutions to the problems identified and presented by the participants will be collected during the UNEP workshops.

4 HOW ARE THE WORKSHOPS ORGANIZED?

During the workshops, case studies will be discussed with participants. Therefore, the participants are encouraged to review the training manual before attending the workshops.

The contents of the case studies have been chosen, to replicate reality as closely as possible. Each of the four selected cases, which are based on experience of UNEP experts, represents the state of development of organizational infrastructures and the promulgated laws of a hypothetical country. The case studies are arranged in order of increasing complexity, coinciding with the state of development of the country studied. The need for a properly balanced enforcement program is made clear in each case study. Participants are encouraged to come forward with ideas about strengthening the capacity of compliance and enforcement programs. Such contributions from participants will add to the value of the training manual and will make it even more relevant to actual issues in developing countries.

4.1 Advice

To be able to effectively join in the discussion of case studies 1 and 2, participants are advised to become familiar with the contents of modules 1 and 2 in the Training Manual. Case studies 3 and 4 require knowledge of modules 3 and 4 of the Training Manual, respectively.

The case studies are derived from experience gained in Poland, Mexico, the Philippines, Thailand, Argentina, Zambia, Zimbabwe, Indonesia, the United States, the Netherlands, the Russian Federation, Brazil, Sri Lanka, and many other countries.

As has been indicated, the participants will test the training manual and the case studies during the workshops. The participants will work as if the training session were taking place in their own countries and as if they were applying the training manual in their home countries.

The response of the audience and the changes or alternatives in the manual that they suggest are extremely important. Participants' comments will be recorded and incorporated in the final training manual.

5 WHAT DO THE MODULES DESCRIBE?

5.1 Overview

Provides a general introduction. It includes an overview of the manual and presents, in summary, the definitions and the framework for the main concepts of the Principles of Environmental Enforcement.

5.2 Module 1

Covers the subject of how to design a compliance and enforcement program. It describes the institutional aspects of capacity building in industrial compliance and enforcement.

5.3 Module 2

Discusses the human and financial resources required and funding opportunities available for a compliance and enforcement program.

5.4 Module 3

Describes the fundamental concepts and procedures in designing inspection, self-monitoring, and enforcement response programs.

5.5 Module 4

Presents the main elements of the permitting process that lead to enforceable prescriptions in permits.

6 WHAT DO THE CASE STUDIES PRESENT?

The four case studies in this manual are tailored to help participants recognize "the fundamental issues in developing an effective compliance and enforcement program" and project the information on conditions in their home countries. The points that the case studies put forward characterize the compliance and enforcement programs and the capacity of the executing organizations in each country studied.

6.1 Case study 1: Kariz

Kariz is a small country, with mining, textile operations, and agriculture as its main industries. Currently, no specific institute is responsible for environmental management. An interministerial committee has been established. There is a ministry of natural resources that has responsibility for management of Kariz's natural resources, mainly forestry and wildlife. A mining company monitors water quality. Some experience exists in enforcement. Pollution problems are clearly abundant and widespread. A number of environmental laws are in place, although the structure of authority and responsibility for enforcing those laws are diffuse.

A new environmental management act has been adopted, and an Environmental Quality Council created.

6.1.1 Task of the participants

Develop an environmental action plan for Kariz. Keywords for the participants: "How to get organized." Take into account the need to develop program functions, organize an agency responsible for the compliance and enforcement program, and fulfill other institutional requirements. Develop institutional capacity for Kariz.

6.2 Case study 2: Mudima

Mudima is a medium-size country. Its industry centers on oil and gas processing, mining, logging, chemical plant operations, and cattle breeding. The government has made a commitment to abate pollution. NGOs, regional organizations, and the government are organized. Widespread pollution has been observed.

An environmental compliance and enforcement agency has been established for some time but seems to be ineffective in the effort to abate pollution. Financial constraints are considerable. Mudima has no systematic permitting and inspection system. The state is responsible for enforcement.

6.2.1 Task of the participants

Keywords for the participants: "How to become effective." Develop an effective compliance and enforcement program, taking into account the financial constraints and the human resources and enforcement infrastructure in existence. Consider also the institutional requirements, such as the need for a process of consultation.

6.3 Case study 3: Avnia

Avnia is a medium-size country. Its major industries are mining of coal and metals, production of heavy machinery, and agricultural. The permitting and enforcement systems are decentralized through the provinces. Avnia recently changed its law to improve the enforcement system in the provinces. Recently, a law concerning Hazardous Waste was enacted to address significant problems related to industrial waste. Its unclear definitions of hazardous waste and other problems are undermining the new law.

6.3.1 Task of the participants

Keywords for the participants: "How do you execute enforcement?" Identify the effects of the changes in Avnia's law on its enforcement program. Provide recommendations for improving enforcement in Avnia.

6.4 Case study 4: Odemi

Odemi is a medium-size country. Its main industries are metal refining, oil refining, textile manufacturing, butchering, crop farming, and piggery operations. Odemi has 10 years of experience in the execution of environmental laws governing air and water issues. Permitting system is in full operation, Odemi lag in permitting. Difficulties in enforcement are the result of standards and inspection infrastructure.

6.4.1 Task of the participants

Keywords for the participants: "How to get an enforceable permitting process." Improve permitting and establish systematic enforcement. Develop tools to evaluate progress and promote cooperation with the regulated community.

7 WHAT WILL BE DONE WITH THE RESULTS OF THE WORKSHOPS?

Comments and contributions of the participants during the workshops will be compiled and reported. Participants will complete a questionnaire to evaluate the workshops. The results will be distributed to all participants.

The manual will be updated and published for distribution worldwide through UNEP IE/PAC, Paris.

A facilitator's guide will be added to the manual to assist trainers-to-be in using the manual.

8 WHERE ARE WE TO GO FROM HERE?

The real test of the training manual will be in practice.

To improve the manual, UNEP will need evaluation of and comment on the use and application of the manual in different countries. Such improvement is a long-term goal for UNEP. The countries that are implementing and developing an enforcement program might require assistance through UNEP. UNEP will be eager to receive information about the experiences gained in those countries that use and apply the training manual.