
TOWARD ESTABLISHING A REGIONAL NETWORK IN THE WEST ASIA/ MIDDLE EAST REGION

EL-KHOLY, O.A.

Senior Advisor, Egyptian Environmental Affairs Agency, 13, Street 265, New Maadi,
Cairo 11742, Egypt

SUMMARY

This report sets the scene for taking the first steps in establishing a compliance and enforcement network in the West Asia/ Middle East region. After drawing attention to some basic considerations, the report describes the main characteristics of environmental management in the region with emphasis on compliance and enforcement. It ends by proposing the main points to be discussed in order to start establishing the network.

1 INTRODUCTION

There is no network in our region for the exchange of information and experiences on compliance and enforcement. As we meet to discuss establishing such a network we need to place our deliberations today against a background of some basic considerations. These we need to keep in mind if our first steps towards establishing the network are to be based on a firm foundation. Briefly, let me touch upon four main considerations:

1.1 Our region is heterogeneous to a significant extent. We have densely populated states of rather limited resources, sparsely populated ones endowed with a wealth of natural resources, and a third group that lies somewhere in the middle. Populations vary from less than one million in some states to sixty millions in others. As might be expected in such a situation, the stages of development differ widely, as do the major economic activities.

1.2 While, twenty years ago, the general wisdom across the region was that environmental protection was a concern for the industrialized countries, national and regional priority was rapid development with considerable tolerance towards environmental impacts. Environmental worries were a long way down the line and can simply wait. This situation has been changing slowly, but steadily. All over the region, environmental concerns are moving gradually to the top of the list of national priorities.

1.3 The issue of environmental management has been addressed so far in a wide variety of approaches and institutional and legal frameworks. Government units responsible for the environment have taken the form of ministries, councils, departments, and sometimes supra-ministerial bodies. The concerned top levels of authority have ranged from ministers (of health, defense, interior) to councils of ministers and so-called higher councils. Some report directly to the head of state.

1.4 At the risk of making too drastic a simplification, the most commonly adopted approaches to environmental management had the following characteristics in common:

- Significant reliance on the command and control approach.
- Little involvement of the regulated communities in the drafting of legal instruments (laws, decrees, standards).

- Young, understaffed, underfunded, and underequipped, regulating bodies faced with the task of dealing with much larger and sometimes more sophisticated regulated communities.
- As might well be expected under the circumstances, regulations, procedures and standards were usually copied from other societies of different backgrounds, capabilities and conditions, and hence not conducive to enhancing the credibility of the young regulating bodies.

2 THE PRESENT SITUATION

It is against this admittedly very sketchy outline of our recent history, and with full appreciation that there are exceptions where the situation is quite different from these generalizations, that we should look at some encouraging developments in the region over the last few years:

- There is now a general realization that the command and control approach, as it is being carried out, is failing to produce desired results.
- The issue of environmental management is being rethought, away from copying other models, to tailoring suitable approaches with full realization of the specificities of each society and institutional setup.
- One major consideration in designing appropriate systems, that has clearly emerged in many -if not all-countries in the region, is the need to bear in mind current value systems. The choice of appropriate tools for environmental management has to take careful note of this critical factor. In many cases, compliance is not the social norm, and enforcement capabilities are often weak, if not nonexistent.
- As a result, emphasis is slowly shifting from reliance on laws and regulations to in-depth analysis of the causes of non-compliance and definition of socially-acceptable enforcement actions when necessary.
- This has laid bare the defects in the legal instruments as one of the main causes of weak compliance. The search is now for other more effective tools for ensuring compliance within the overall framework of environmental management at the national level.
- At the level of society at large, dissatisfaction with the state of the environment and protests against flagrant abuses is becoming more vocal and in a few cases an effective element in bringing about change.
- At the level of the regulated community, more and more business enterprises are beginning to devote more attention and resources to environmental management at the level of the enterprise. The view is now spreading that this is good business -not only because it improves the image of the enterprise; but because it is also profitable. A few enterprises are now talking of the implications of the combination of the new GATT agreements and the ISO 14000 parts that will come out this year.
- Many countries are tapping new sources of technical assistance, foreign expertise, and even financial resources, in dealing with their environmental problems. Recently, this has moved beyond the "technical fix" to basic issues in environmental management, with compliance and enforcement fast becoming a new field of cooperation. This goes well beyond the usual organizational support, pollution prevention and control, and regulatory reform.

I trust that you agree with me that this thumb nail sketch confirms that this is an opportune moment for systematic study and emphasis on the issue of compliance and enforcement in our region.

3 HOW TO MAKE PROGRESS IN REGIONAL COOPERATION

This Fourth Conference witnesses more participants from our region than any previous conference. Consequently, it is a unique opportunity for us to:

- Get to know one another.
- Exchange preliminary information on the current situation/ future plans to strengthen compliance and enforcement activities in our region.
- Identify and prioritize our common needs in the light of the above.

Next, we may — subject to your approval — move on to:

- Sketch the structure of a regional network and the functions it will perform.
- Identify national focal points, even though tentatively.
- Discuss, and hopefully agree on the location of a node.
- Specify a feasible set of objectives and mechanisms of operations for the next two years, including monitoring progress.
- Discuss mechanisms for communication and exchange of information.

I look forward to a very successful discussion that will hopefully be remembered in years to come as the first step on the order to achieving compliance and enforcement throughout our region and the role our network has played in this worthy endeavor.