
SUMMARY OF PANEL DISCUSSION OF THEME # 3: ESTABLISHING INTERNATIONAL COOPERATION AND REGIONAL NETWORK STATUS OF EFFORTS UNDER WAY

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GOALS

Description of international support networks for environmental compliance and enforcement. Discussion of issues such as the genesis of the network, entities involved in developing and maintaining it, types and levels of participation, subjects addressed by the network, vehicles and topics of exchange, how the network overcomes differences in language and terminology, and future directions and changes anticipated for the network.

1 PRESENTATIONS

Mr. Marius Enthoven, Directorate-General Environment, Environment, Nuclear Safety and Civil Protection, European Union, presented the Fifth Environmental Action Program for the European Union, a strategic plan for sustainable development in Europe. Targeting industry, energy, transportation, agriculture, and tourism, the plan has five dimensions:

- integrate EU policies into country laws;
- focus on environmental infrastructure;
- communicate with the regulated community;
- use networks, such as the 15-member state IMPEL network;
- integrate work of EU agencies with country agencies; and
- step up enforcement.

The EU must integrate environmental enforcement and compliance into other sectors that it is working on such as transportation and banking and insurance, broaden its use of economic or market based instruments, expand implementation and enforcement of EU-wide programs, increase awareness of EU-wide environmental programs, and increase international cooperation.

EU works with a policy life cycle model, i.e., This involves first recognizing the problem, gathering data, analyzing and deciding what portion or dimension of the problem to tackle. Then formulate a solution. Three instruments are emerging as the most useful in implementation. First are market oriented approaches, such as environmental charges, negotiated agreements, fiscal instruments, and environmental liability. The second is re-regulation, including increased flexibility to attain goals. The third is an upgrade environmental management and audit scheme (EMAS) to make it more useful to enforcement. The next step in the model is to implement the solutions and set up a management structure and enforcement protocol. Here, the program calls for strengthened legislation, increased reporting, enhanced intergovernmental cooperation, and more sanctions for offenders of environmental requirements. Integrating the ISO 14000 approach remains a large outstanding issue. The final step is continuous improvement, that is, keeping the problem under control as you go forward. The EU has several issues currently under discussion for future resolution. Is there a need for an inspectorate at the EU level and if so, how should it be

structured? Currently the enforcement inspectorates are domestic. How should the results of enforcement actions be used at the community level? Finally, what should be done about voluntary actions with respect to enforcement?

Dr. David Slater, Director, Pollution Prevention and Control, Environmental Agency, Canada, explained that the UK program has recently consolidated three media programs (waste, air and water) and budgets under a single agency with a new focus. They shifted emphasis from pollution control to sustainable development focusing on pollution prevention, communication with the regulated community, and networking across the EU. The need to network, in particular on legislation and standards and the development of expertise, was a key driving force. One of the most important and successful programs with regard to environmental compliance and enforcement is trading experts, a series of week-long staff exchanges which they find to be a great mechanism for capacity and morale building. Networks deliver information, consistency across programs, and support for problem solving.

Mr. Jan van Doorn, Chief, Environmental Crime Unit, INTERPOL, explained the workings of INTERPOL and cited achievements in networking country police, information exchange, and expertise exchange. INTERPOL maintains a worldwide network of police and information on international environmental criminal activities. The standard of information exchange regarding environmental crime is the ECO report. This aids in tracking various company activities across borders so that the activities of a company in one country can be linked with its activities in another. It can help penetrate parent/child company relationships, shell companies, and pursue enforcement of international environmental crime. INTERPOL also supports training programs to build environmental expertise.

Mr. Virah Mavichak, Director of Industrial Environment, division of Industrial Works Department, Thailand, discusses the need for more formal cooperation on environmental enforcement and compliance in Asia. In Thailand, ASEAN, comprising eight countries, represents the only such network. In particular, the ASEAN Senior Environmental Officer forum, in order to formulate environmental policy, maintains six working groups: (1) transboundary pollution, to define hazardous waste and develop a protocol to control transboundary movement of waste (2) environmental management approaches, to harmonize country approaches (3) environment and economy, to look at emerging programs of economic and market-based instruments in ASEAN countries (4) environmental information, to establish a monitoring network, which is only a conceptual design so far (5) sea water, and (6) environmental conservation. It has also established bi-lateral dialogues between member countries and the U.S., Canada, The Netherlands, the EU, and Japan and a tri-lateral agreement on ozone depleting substances, attempting to establish policy on CFC phaseout.

Dr. Ossama El-Kholy, Senior Advisor, Egyptian Environmental Affairs Agency, Egypt, explained that there is little regional cooperation in the Middle East. The perspective of a developing nation is different than a developed one, but to foster such regional networking, four things must be in place first: (1) a minimum level of commitment from top levels of government, (2) a domestic environmental framework, (3) international organization and agreements such as Montreal Protocol that will drive regional networking, (4) domestic expertise.

Mr. Steven Herman, Assistant Administrator, U.S. EPA, explained that since the Partnership for Pollution Prevention that came out of the December 1994 Summit of the Americas, the countries in the region are at the beginning of transition from talking about cooperation to taking action with efforts such as Haztracks, a joint effort of the U.S. EPA and Mexico's PROFEPA to track transboundary shipments of hazardous waste. There is currently a fair amount of technical cooperation between the two countries. The US has trained many Mexican inspectors developing a regional infrastructure and talks are beginning that will set priorities and targets, resulting in specific enforcement actions on both sides of the border. With a respect for sovereignty and the domestic laws of the two countries, they are sharing policy, training, and information. NACEC,

the North American Council on Environmental Cooperation, is serving as a neutral forum bringing countries together that might not otherwise do so. Such efforts offer training, contacts, idea-sharing, and mutual support (multi-country efforts can counteract opponents of enforcement better than can single countries).

2 DISCUSSION

Three questions were posed for discussion:

- Why is regional cooperation important?
- Are there general lessons that can be learned?
- What are the critical success factors?

Linda Duncan, from the Commission for Environmental Cooperation, suggested that regional cooperation can provide a neutral forum for bringing together counties that might not come together otherwise. Mr. Lee Paddock from the US pointed to four benefits of regional networking organizations used within the U.S. and border States: training, contacts, sharing ideas, mutual support. The Honorable Wilson Masilingi from Tanzania pointed out that when many countries join together it becomes harder for politicians from the individual countries to object to implementation of environmental enforcement. Mr. Tarek Genena discussed two success factor stating that (1) realistic approaches needed to be taken because countries have very different levels of capability and enabling statues, and (2) regional networking commitments must be based on available resources, both financial and human.

At the moderator's request, panelists listed their opinions on the most important achievements in international networking:

- implementation of the Montreal Protocol;
- strengthened and harmonized domestic programs that must precede efforts in international cooperation;
- international exchange of staff; and
- conferences such as this!