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## AFRICA REGIONAL MEETING SUMMARY

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Rapporteur: David Novak

### GOALS

Workshop discussions focused on:

- Shared problems and challenges
- Institution-building needs
- Opportunities for institutional support and exchange (review of existing mechanisms)
- Proposals for regional networking: agenda for action
- Desired linkage to international capacity building efforts
- Targets of opportunity

### 1 INTRODUCTION

More than 20 participants from 10 countries within Africa, along with representatives from the Netherlands, the United States and UNEP met on the third and fifth day of the conference to discuss driving forces for and barriers to environmental compliance and enforcement. They discussed the status and accomplishments of programs in the region, networking needs and first steps for organizing a regional compliance and enforcement network.

### 2 DISCUSSION SUMMARY

The first session began with a discussion of the driving forces and barriers to enforcement and compliance experienced by different African nations. After the UNEP workshop on organizing programs was presented, participants entered into an open discussion regarding enforcement program design, enforceable requirements, and compliance monitoring, where possible solutions to specific problems and experiences of individual countries were discussed.

The next session began with a review of the driving forces and barriers to enforcement and compliance discussed previously. The workshop participants then briefly reviewed issues relating to the organizing of programs, environmental challenges, enforceable requirements, and compliance monitoring.

#### 2.1 Enforceable permitting requirements and implementation

Discussions focused on several issues:

- First, in regard to the issue of relocation or rules affecting industrial location, representatives from Nigeria indicated that they felt that a minimum level must be established at the federal or national EPA level even if the regional EPA has lower or no standards, there must be some uniform minimum standards.
- Discussions also addressed bureaucratic bottlenecks and how to avoid them. Representatives from Tanzania indicated that they involve industry in developing a precise schedule for permitting in order to avoid bottlenecks or delays by the investor, bureaucrats, etc. The question was raised about what happens if the government

misses the timeframe for issuing the permits? Kenya described their one-stop licensing. EPA is not responsible for issuing permits. In Malawi licensing agencies cannot issue permits without consulting with the environmental agency.

- How many public hearings should be held before permitting? The group recommended one general and one specific.
- When should a permit be revised or reapplication be made? The group recommended that there is a need to reapply with increased production if there is an increase in pollution or use of resources.
- Whether all facilities need a permit? The group discussed the fact that this would be based upon size and the environmental impact and ambient conditions.
- The question of how long a permit should be issued was discussed along with the difference between licensing and permitting.

## 2.2 Compliance monitoring and enforcement response

Several issues were discussed including:

- Appropriate enforcement mechanisms and sanctions against whom: the group discussed how one determines what a criminal action is and how to treat joint ventures. Who is responsible for paying fines or serving time?
- Compliance at government owned or operated facilities with reporting and environmental requirements, in particular, who defends the government when violations are taken to court.
- The problem of balancing profit and other national interests versus environmental compliance. The group decided that the language and tact with which government is approached concerning violations is critical.
- Centralized versus decentralized enforcement responsibilities and authorities: federal governments often set policy while enforcement takes place at the state and local levels. The fact that strategic industry is often politically protected by national governments was raised and a solution offered that it may be effective to take provisional steps with enforcement of regulations to get things moving in the right direction rather than take no action at all. Another approach is to broaden the group of persons responsible for non-compliance to cushion the blow.
- Balanced budgeting: what should the relationship be between the budget for enforcement and the budget for inspections and which should receive more resources? What percentage of the budget should be set aside for violations? The group decided that the answer will vary by country, but it is necessary to be sure to have enough enforcement resources to respond to violations. Prosecution may come from a different budget than inspections and related costs may just be field costs.
- Publicizing enforcement actions: how to go about publicizing violations and enforcement actions? Discussants indicated that it is important to train reporters on environmental issues and to encourage an environmental awareness section in the newspaper. Suggestions included creating relationships with NGOs in order to publicize information. There also must be appropriate access to information by the legislature. Newsletters and fact sheets by the agencies are helpful.
- Degree of public involvement, how and when the public should get involved in designing requirements, monitoring compliance and enforcement response.

### 2.3 The need for institution building

The need for institution building was then discussed, and the following issues raised:

- Dealing with diversity between countries.
- Differing levels of technical expertise.
- The need for centralized institutional support within individual countries.
- The need to have a well trained and efficient inspection and reporting staff.
- The need to acquire more technical equipment.
- The need to increase the prominence of environmental agencies within individual countries.
- Limitations on financial and capacity building expertise.
- The need to focus on regional goals.

### 2.4 Networking needs

Opportunities for institutional support and exchange were then discussed and questions raised. What can individual countries learn from each other? How do countries go about facilitating the development of individual compliance and enforcement programs and the exchange of ideas between countries within the region? Several suggestions came out of this discussion:

- Develop an inspector exchange program between countries.
- Develop an information exchange program between countries.
- Bilateral exchange of legal and technical advice and expertise.
- The suggestion that current inspectors receive some legal training (not a law degree, but a minimal amount of training concerning environmental law and the legal framework within the country).
- Develop a mechanism where academic resources can be pooled throughout the region, and environmental training can take place.
- Develop a list of international capacity building opportunities (inventory).
- Identify a core of experts in Africa to assist in developing capacity.

### 2.5 Organizing an African environmental compliance and enforcement network:

Based on this discussion, a framework for a regional network was established. Dr. Adegoke Adegroye from Nigeria agreed to establish an African Regional Secretariat, which will be charged with organizing and contacting enforcement and compliance officials from five parts of Africa in order to facilitate the training and exchange of information and technical expertise within the region. Representatives were then selected from the participants to act as "Coordinators" for five sub-regions within Africa.

- Mr. Martin Lloyd, from South Africa, will be responsible for gathering information and contacting enforcement agencies in Southern Africa.
- Dr. Alao Yekini Akala from Benin, will be responsible for gathering information and contacting enforcement agencies in Western Africa, and from the French speaking African countries.

- Mr. Frank Turyatunga will be responsible for gathering information and contacting enforcement agencies in Eastern Africa.
- The proposal was put forward to coordinate with Dr. Tarek Genena (who attended the West Asia/Middle East Regional Workshop) from Egypt to perform these responsibilities in North Africa.
- The question of who will be responsible for Central Africa is still under consideration.

## 2.6 First steps: an African Regional Training Workshop

The participants agreed to hold an African Regional Training Workshop in South Africa in March or April, 1997. This Workshop will serve as a “train the trainer” workshop for enforcement and compliance officials throughout Africa. The Workshop will also serve to strengthen ties between the African nations and to provide enforcement and compliance principles training to officials in countries which were not able to attend the 3rd or 4th International Environment Conferences. The proposed Workshop will also serve to prepare African participants for future International Enforcement Conferences. Dr. Francois Hanekom, from South Africa agreed with the Workshop premise, and will seek official approval to move forward with planning for the workshop upon his return to South Africa.

## 2.7 African Regional Center(s) for Capacity Building

An official proposal to establish an African Regional Center for Capacity Building will be put together by Dr. Adegoroye, and sent to all African participants who attended the Fourth International Conference for review and comment. The creation of the Regional Center will be addressed in more detail during the Regional Training Workshop to be held in March or April of 1997.

## 3 CONCLUSIONS

The consensus of the participants in the African Regional Workshop is that a lot of positive accomplishments have come out the two meetings. The participants agreed upon a preliminary set of institution building needs and a structure to meet the needs of Africa in five subregions, with sub-regional leaders identified. They agreed upon the hosting of an Africa training program to develop a core set of trainers to be able to establish a common set of principles and frameworks within Africa on which to build with a timeframe and structure for action.

### List of Participants Africa Regional Meeting

Dr. Alao Yekini Akala	Ministere de l'Environnement de l'Habitat et de l'Urbanisme	Benin
Mr. Choma Johnson Matale	Department of Mines	Botswana
Dr. Ossama El-Kholy	Egyptian Environmental Affairs Agency	Egypt
Dr. Tarek Genena	Egyptian Environmental Affairs Agency	Egypt
Mr. Kihumba Francis Njuguna	National Environment Secretariat	Kenya
Mr. Raphael Peter Kabwaza	Ministry of Research and Environmental Affairs	Malawi
Mr. Ernest M. Makawa	Ministry of Research and Environmental Affairs	Malawi
Dr. Adegoke Adegoroye	Federal Environmental Protection Agency	Nigeria
Dr. Chris Iyayi	Federal Environmental Protection Agency	Nigeria

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Dr. Modupe Taiwo Odubela	Federal Environmental Protection Agency	Nigeria
Ms. Jemimah Eugenia Cole	Ministry of Transport, Communications and Environment	Sierra Leone
Dr. Francois Hanekom	Department of Environmental Affairs and Tourism	South Africa
Mr. J. J. Jordaan	Department of Environmental Affairs and Tourism	South Africa
Mr. S. M. Lloyd	Department of Environmental Affairs and Tourism	South Africa
Dr. J. H. Neethling	West Cape Department of Environment and Cultural Affairs	South Africa
Mr. W. E. Scott	Department of Environmental Affairs and Tourism	South Africa
Ms. Ann Sugrue	Gauteng Provincial Administration	South Africa
Hon. Wilson Masilingi	Parliament of Tanzania	Tanzania
Mr. Lamex Omara Apitta	Ministry of Education	Uganda
Mr. Frank Turyatunga	National Environment Management Authority	Uganda
Mr. Robert A. Wabunoha	National Environment Management Authority	Uganda
Mr. Mfaro Moyo	Ministry of Lands and Water Resources	Zimbabwe