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## **SOUTH ASIA REGIONAL MEETING**

Facilitators: See Asia-Pacific Regional Meeting  
UNEP Facilitator: Rob Glaser

### **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**

The South Asia representation at the Conference was sufficiently small that it was deemed desirable for the group to join in one of two Asia meetings on the third day of the Conference, Session A, and to meet separately on Friday to discuss follow up and networking because of the established environmental networks existing for South Asia. The combined and separate South Asia regional meeting resulted in a very good basis for follow up action on implementation and capacity building.

### **2 DISCUSSION SUMMARY**

#### **2.1 Driving Forces**

Participants had an opportunity to express what they believed is driving environmental compliance and enforcement in their countries and in the region as a whole. It was interesting to note differences in perceptions of driving forces within South Asia countries versus Asia-Pacific. In order of most frequently cited to least frequently cited forces they are:

- Environmental legislation (Bangladesh, Nepal) and international obligations (Nepal, Bangladesh)
- Environmental Problems related to population density, deforestation, biodiversity concerns, natural hazardous (Bangladesh), wildlife preservation and tourism (Nepal)
- Strong role of the Judiciary (Nepal, Bangladesh, India)
- Public awareness and pressure (Nepal)
- Strong NGO's (India)
- Education: training institutes (India)

## 2.2 Barriers to Environmental Compliance and Enforcement

For countries within South Asia, participants noted:

- a lack of strong political will stemming from new democracies which are unwilling at this time to take on environmental enforcement issues.
- lack of capacity building related first to legislation without supporting rules or regulations and a prevalence of sectoral rules which lack coordination in development or implementation therefore the lack of interagency coordination on compliance enforcement matters was a serious impediment given sectoral approaches.
- limited resources including the inability of governments to pay competitive salaries leading to difficulties in attracting and retaining qualified staff

## 2.3 Regulatory Program Status Overview

The region contains programs in different stages of development with many highly developed programs and those that are first being organized. There are varied approaches as well from which participants can continue to learn from each other. The majority of countries in the region have environmental compliance and enforcement programs in place with adequate laws, regulations, and requirements, permit systems, inspection programs, training, self-monitoring, third party audits, citizen complaints, a full variety of enforcement response mechanisms, written response escalation policies. Those that do not yet have these program elements are in the process of creating them. Hence a tremendous amount of progress has been made within the last five years. Yet, some problems remain with implementation. In brief:

### 2.3.1 Bangladesh

Currently working master plans and strategies under recently passed law. Country focus on economic growth with little interest in environmental compliance or enforcement.

### 2.3.2 Nepal

New Ministry of Environment with authorities that overlap with those at local level. Military charged with enforcement.

### 2.3.3 India

Overall, program is complete with respect to requirements (laws, regulations, and permits), compliance monitoring, and enforcement. Authorities split between national and state levels.

### 2.3.4 World Bank

Current focus is on environmental impact assessment, but would like to help with enforcement capacity building.

## 3.4 Compliance Monitoring

### 3.4.1 Inspectors

Only India and Sri Lanka reported dedicated environmental Inspectors within environmental agency Nepal and Bangladesh inspectors are part of other ministries (or example, Ministry of Industry).

### 3.4.2 Training

Training of inspectors is very strong in India and it is not yet available in Nepal, or Bangladesh.

### 3.4.3 Source Self Monitoring

Source self monitoring is highly developed in India, especially focused on large industries with requirements which often go to continuous air emissions monitoring for example. This is fully described in the Capacity Building Support document on Source self-monitoring requirements.

### 3.4.4 Third Party Audits

Is not really relied upon by governments in the region as a means of compliance monitoring.

### 3.4.5 Citizen Complaints

All countries have some mechanism to accommodate citizen complaints. India maintains 24-hour hot-lines.

## 3.5 Enforcement Response authorities and policies

Within the region, countries utilize a range of approaches, some legal, some involving creative use of public and private pressure, to respond to violations and gain compliance. (See chart) . In Bangladesh they use visits by the Minister and other officials

## 3.6 Opportunities for Networking:

The Region already has in place the South Asia Economic Cooperation, SAEC which has an Environment Committee. It is a Ministry level Committee which can better serve the important role of cooperation in environmental compliance and enforcement. The participants recommended that activities of this group be expanded to address environmental compliance and enforcement matters, and that it serve as a means of organizing regional workshops, seminars and the like on this subject. Next month the issue is climate change and the representatives at the conference will raise the opportunity to review related compliance and enforcement issues.

## 4 **CONCLUSIONS/ NEXT STEPS**

Participants will expand the focus of SAEC's Environment Committee to integrate compliance and enforcement issues.

**Figure 1. ENFORCEMENT RESPONSE AUTHORITIES AND POLICIES**

Country	Informal/Citizen Enforcement	Administrative	Civil/Judicial	Criminal Fines/Imprisonment	Enforcement Response Policies	Penalties
Bangladesh	Visits of Minister and other officials	Yes, variety of responses	Yes	\$2,000 or 5 yrs in prison for owner	Yes	Determined by Courts
Nepal	especially used for solid waste	Yes, cancel license	rarely	finer common, prison rare	Yes - done by Department of Industry	Up to \$2,000 per violation
India	citizens can take court action	no fines/penalties		6 mo - 6 yrs; fines only through court	Yes	Yes - imposed by court

**LIST OF PARTICIPANTS FOR SOUTH ASIA REGIONAL MEETING**

Ms. Mary Gade	US Environmental Protection Agency	USA
Mr. Robert Glaser	Ministry of Housing, Spatial Planning & the Environment	The Netherlands
Mr. Jan Van Den Heuvel	Ministry of Housing, Spatial Planning & the Environment	The Netherlands
Mr. Lal Kurukulasuriya	United Nations Environment Program	UNEP
Mr. A De Lange	Public Prosecutors Office	The Netherlands
Mr. M. Abdul Latif Mondal	Government of Bangladesh	Bangladesh
Mr. G. Rengasamy	Tamil Nadu Pollution Control Board	India
Prof. Yubaraj Sangroula	Institute for Legal Research and Resources (ILRR)	Nepal
Mr. Sadhu Ram Sapkota	Ministry of Population and Environment	Nepal