
SUMMARY OF WORKSHOP: TRAINING PROGRAMS FOR COMPLIANCE INSPECTOR, INVESTIGATOR AND LEGAL PERSONNEL

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GOALS

Discussions were designed to address and consider the following issues:

- How different countries define training needs for environmental inspectors, for legal enforcement personnel, for criminal investigators, or other personnel, and what is similar or different and why. How different countries defined the skills and knowledge needed to perform enforcement related functions well.
- Approaches countries have taken in training personnel:
 - How training programs have evolved and whether there are common patterns.
 - For those countries who have established formal training programs; what was the impetus, how were funding needs and programs defined and implemented.
 - How funding needs and programs are defined.
 - How training is delivered in various countries. What approaches countries have developed to train personnel in a manner which meets budget constraints.
 - The potential for innovative technology in training enforcement personnel (e.g. satellite training and interactive CD-ROMs).
 - The relative importance of and reliance on classroom training, reading material, on-the-job training, field work observation.
- Identification of needs and opportunities for sharing training materials among nations which are not country-specific and how that can best be done, including a role for INECE.
- How countries assess the qualifications of enforcement personnel. What mechanisms work best under what circumstances including consideration of performance appraisals, written tests, observation of practice, and other forms of testing or use of qualifications?

1 INTRODUCTION

The issues associated with training programs for compliance and enforcement personnel has appeared at all five International Conferences on Compliance and Enforcement. The continuous need for training as a starting point for building an enforcement and compliance program or the need for training to address advanced or complex issues appears

to be a reoccurring theme among environmental enforcers world wide. The goals and objectives listed above represent a sample of many challenges identified by previous and current conference participants. Workshop participants identified the need to learn from each others training experiences, the basics of establishing training programs and the identification of current opportunities and available resources for training as the fundamental elements of expectations from this session. The variety of participants from both developed and developing environmental programs proved invaluable to addressing the above mentioned expectations.

These workshops discussed how different countries define training needs for their regulatory inspectors, law enforcement officers, the regulatory community, judges and magistrates, prosecutors and the general public. Training needs are dictated, in part, by the level of expertise in the target group, the size of the country and the environmental program, the indigenous culture, and the available resources. Participants exchanged ideas on methods to meet the training needs of their programs under these challenging conditions.

2 PAPERS

Several authors developed topic papers associated with training programs for compliance inspectors, investigators, and legal personnel. The following are presented in the Fifth International Conference on Environmental Compliance and Enforcement Proceedings:

- Enforcement Training Programs, Currie, Christopher (Volume 2)
- Synopsis of International Inspector Training Course Compendium, Course and Program Comparison (Volume 1)
- UNEP Judicial Symposia on The Role of Judiciary in Promoting Sustainable Development, Kaniaru, Donald, Kurukulasuriya, Lal, and Okidi, Charles (Volume 1)
- Enforcing Environmental Law in Central America: Regional Environmental Law Program experience, Gonzalez Pastora, Marco A. (Volume 1)

3 DISCUSSION SUMMARY :WORKSHOP 3C

In addition to the expectations identified for this session, workshop participants presented specific training issues and needs confronting their environmental programs. The establishment of training programs that train everyone from inspectors to judges was a common theme, and the need for establishing training contacts and approaches continued to emphasize that the base of successful training efforts will always be dependent on resource availability and usage efficiencies.

3.1 Defining Training Needs

Workshop participants identified training needs associated with knowledge, skills, and attitude of all enforcement personnel. From an inspector perspective, science and engineering backgrounds were considered more favorable backgrounds for inspection personnel to have since the skills of inspection and investigation could be more readily integrated more efficiently because many of the requirements associated with environmental

protection are technically based. Prosecutors and Judges training needs were viewed more in the context of awareness and appreciation of the many complex issues to allow for more effective presentation and rulings. In addition to the pure regulatory and technical training needs for all groups, communications, ethics and basic investigative techniques were considered the highest priority. Health and safety training was also considered significant in order to insure the protection of inspection personnel from serious harm.

3.2 How to Train the Various Groups in the Enforcement Process

The general consensus on how to train the various groups in the enforcement process clearly identified that each group should be trained separately. However, the group also recognized the need for joint training sessions so that all participants in the enforcement process will gain a greater understanding and respect for the roles and limitations of each actor in the enforcement process. In several countries, joint sessions have shown demonstrated success by increasing awareness and responsiveness to environmental issues. Regardless of whether the training is delivered separately or jointly, the need for training at all levels in the enforcement process is in high demand.

3.3 What Kind of Training is Needed?

In order to assess the various types of training needed, the workshop participants identified seven areas of training needs and delivery mechanisms. They are:

- Basic inspection, investigation and environmental requirement training.
- Advanced inspection, investigation and environmental requirement training.
- Refresher training.
- Technology training.
- Key ingredients training for processes and problems.
- On-the-job training to build capacity and experience.
- Citizen training to support tips and complaints.

Both those with developing and developed environmental programs agreed that the above training needs would further enhance their efforts to ensure environmental compliance. The mere fact that in all programs the transition of environmental personnel in and out of specific roles in the enforcement process constitutes the need for continuous training opportunities. As environmental requirements change and issue become more complex, training will always be in strong demand.

3.4 Financing Training

Resources continue to control the success of training efforts of all workshop participants. Developed environmental programs tend to have more resources allocated to training efforts than emerging programs. Many participants identified the need for training partnerships with other countries with greater capacity to assist their emerging programs. Train-the-trainer approaches were identified as an opportunity to maximize the efficiency of resource usage. This delivery mechanism is one of many currently being utilized to limit the impact on resources. Technology based training such as satellite and computer based training as well as partnership efforts similar to those currently used by INTERPOL are all providing more training to those in need at a reduced cost.

3.5 Conclusion

Workshop participants clearly identified the need for training as a starting point for building an enforcement and compliance program. The fundamental need for environmental knowledge, skills and attitudes outline the overall categories of training needs. These needs may be both basic or advanced, but will generally involve regulatory requirements, investigative techniques and other environmentally related issues. Understanding the fact that training is dependent upon resource commitments, money and access will continue to be a challenge in the development and delivery of training. To more efficiently utilize the limited resources currently available, partnerships, train-the-trainer, and innovative technology should all be considered to effectively deliver training.

4 DISCUSSION SUMMARY: WORKSHOP 4CC

4.1 Training Needs and Status of Training Programs by Participating Countries

Although training needs can vary from country to country there was consensus that training demands were not being met. One participant stated that training was the weakest link in the environmental program. Some countries have no formalized training programs at all, but rather rely on on-the-job training, often with an examination at the end of period of time. It was recognized that some educational information and materials may exist, it is often not accessible due to the unavailability of necessary technology or competing demands. In Ecuador and other countries, one of the greatest challenges to an effective environmental training program is the widely divergent cultures and languages that are prevalent.

A few countries prioritized generalized training for environmental inspectors in order for them to be familiar with the panoply of environmental offenses that could be confronted. Others prefer training on specific environmental offenses or programs that are of particular concern in the country; for example, air pollution from stacks and automobiles. In addition to training on substantive environmental matters, it was felt that inspectors should also be trained on how to deal with politicians and the general public and how to maintain a high level of professional ethics. Personnel dealing with hazardous waste, especially those providing initial emergency response need to be trained on personal safety. In addition to substantive environmental training, inspectors need to be informed of the responsibilities of colleagues in order to facilitate communication, coordination and a general appreciation of one another.

Training should not be limited to inspectors, investigators, and staff lawyers. There are others within government that need to be educated about environmental enforcement. In Nepal and other countries, judges, local governmental officials and NGOs are trained on environmental enforcement. In the Bahamas, there is a training program for magistrates and prosecutors. It is believed that uneven training of magistrates leads to uneven imposition of sanctions for environmental violations. In Uganda, not only are judges and prosecutors trained on environmental programs, but so are private attorneys. Personnel within environmental ministries who draft the laws and regulations need to be trained in order to ensure that provisions are enforceable.

In addition to training for governmental inspectors and other personnel, one participant stated that the regulated community and the public also needed to be trained. The regulated community should be trained in order to learn how to comply with the environmental laws. The public should be trained to recognize environmental offenses and who to call when such offenses are observed. This is being done in Nigeria. The public needs

to be informed of the environmental risks that are faced. Community-right-to-know laws should be enacted. Another important reason for providing training to the public is to boost the appreciation and reputation of environmental enforcement personnel, which it was believed to be quite low. Also, it was stated that NGOs could play an important role in providing training to the governmental authorities and the general public. It was also advocated that industry could provide training to the environmental inspectors on the engineering and operation of some systems.

4.2 Possible Structural Methods to Meet Training Needs

Resources have been provided through private funding sources, like the World Bank and through regional efforts and other countries. Some participants shared experiences whereby inspectors traveled to other countries to learn about environmental enforcement. There were also instances where environmental enforcement personnel traveled to host countries to provide training. The Bahamas, for one, has participated in environmental enforcement training via satellite link, although not all of the islands within the country have that technological capability. There was consensus that CD ROM is a more viable technology than the internet because it is more readily accessible at the present time. One participant stated that the CD ROM method should be supplemented with experienced trainers, but others felt that that may be too costly. Train-the-trainer courses are a cost effective approach to train a larger audience and ensure that cultural, programmatic and language concerns are taken into account.

It was widely believed that regional approaches to training were best; this approach allows for training to be tailored to meet the specific demands of the region. It was also believed that INECE could provide an indispensable service in being the link with regional networks on training. It could find trainers and funding sources and facilitate contacts.

It was mentioned that Interpol is developing a train-the-trainer course for local law enforcement in order to sensitize police to environmental violations, how to recognize them and provide first response; in most instances, this means contacting the appropriate administrative agency. The course will also give an elementary overview of personal safety concerns that the law enforcement officer may encounter. The first Interpol training course is scheduled for March, 1999 for the countries of Central and Eastern Europe. Thereafter, the course will be offered in other regions of the world. Those countries interested in participating in this course should contact the Interpol representative present at this conference or their Interpol National Central Bureau.

4.3 Conclusion

Training for inspectors is considered to be the weakest link in an effective environmental enforcement program. It lags behind demand for many reasons, mostly insufficient resources to provide it to enforcement personnel. Training needs vary depending upon the size of the country, the size of the enforcement program, the expertise of the staff, and the cultural and language considerations within the country. Training is not only needed for enforcement personnel; i.e., inspectors, staff lawyers and investigators. It is also needed for judges, magistrates, prosecutors, NGOs, the regulated community, and of course, the general public.

Although training needs frequently are not being satisfied, several approaches are available and others suggested in order to bridge the gap. These proposals include new technology like satellite links and CD-ROM, teaching methodologies like train-the-trainer

programs, and exploring sources for funding and training. In this last regard, it is believed that INECE could play a vital role in establishing a link with regional networks to assist in locating training programs and funding.