
SUMMARY OF THEME #4 PANEL DISCUSSION: CAPACITY BUILDING

Moderator: Michele de Nevers
Rapporteurs: David Mowday, Jo Ann Semones

1 INTRODUCTION

The effort to build domestic, regional and international capacity to design and implement effective environmental compliance and enforcement programs is at the heart of the purpose for both the Fifth International Conference and ongoing international networks. Each of the presentations offered within this theme addressed one of the several fundamental aspects of developing capacity: management and organization issues, funding and resource management issues, training and skill development issues and design of targeted strategies for unique categories of sources.

2 PRESENTATIONS

Mr. Antonio Gonzalez Pastora, Director of the Central American Commission on Sustainable Development discussed the establishment of a regional network for environmental cooperation in Central America. The goal was to establish a regional environmental cooperation regime, promote the creation of national environmental agencies, support efficient environmental legislation and ensure appropriate levels of environmental enforcement throughout a whole region. A Central American Alliance for Sustainable Development (ALIDES) was created. They did this through the establishment of regional networks of legal experts, support for legislators, the conduct of training, provision of legal assistance and promotion of partnerships, facilitation and dissemination of information, including establishment of regional information centers. Included in the targeted groups to build capacity were environmental prosecutors, environmental Attorneys General and environmental police. To date 700 judges have been trained and there is now a Masters degree program in environmental law. There is a regional technical body for Environmental Impact Assessment and an independent body to deal with transboundary environmental issues, including 3 binational water basin commissions.

Mr. Ken Macken, Acting Manager for the Environmental Protection Agency of Ireland discussed how they evolved an Environmental Management System (EMS) into an integrated permitting and licensing program, along with the funding mechanisms. A young agency created only in 1992, they have been able to jump to the forefront of integrated environmental management. Like most permitting bodies target setting and compliance monitoring is conducted by the licensee. Now an EMS is included as a standard condition in every permit along with the requirement for a Pollutant Release Transfer Register. The permit creates both general objectives and long term targets. Though they are self imposed by the licensee, they must be approved by the EPA. Examples of objectives contained in the permits are solvent recovery programs, reduction of landfill load, and organic solvent replacement. The goal is to install a self-regulating process loop through the permit system. The universe of potential facilities is 800 and to date 400 permits have been processed. The system is funded through permit fees and annual enforcement fees which include document processing fees (monitoring reports), site visit fees including travel costs and biannual audit fees.

Mr. George D.O. Asiamah, Senior Program Officer for the Environmental Protection Agency of Ghana discussed the establishment of an internal compliance and enforcement network of the environmental and law enforcement agencies in their country. Called the CEN, the network comprises representatives of all law enforcing agencies, including the Ghana Police Service and all military services, the Attorney General's Department, eight separate national regulatory bodies, such as the Departments of Forestry, Mines and Health, the Ghana News Agency and the Ministry of Environment, Science and Technology. The Network is chaired by the Executive Director of the Environmental Protection Agency. The CEN is also broken down into subcommittees, each with a particular focus, such as small and medium scale manufacturing, small and medium scale mining enterprises and noise nuisance, which are chaired by a lead agency. The network is a problem solving forum for potential environmental pollution cases that are referred to the Network. Its functions include establishing common complaints and investigation procedures, creating public awareness, coordination of joint inspections and verifications, capacity building for each of the member bodies and assuring collaborative actions to ensure effective compliance and enforcement. The referral procedure is that the EPA sends difficult cases to the CEN along with a detailed investigative report. The appropriate CEN subcommittee then undertakes an independent investigation to assess environmental impacts, which laws of which agencies have been broken so as to coordinate joint prosecution, and periodic compliance monitoring if appropriate. If violations are determined, the legal department of the EPA in cooperation with the Attorney General's Department initiates prosecution proceedings. A total of 45 complaints were received in 1997 up from 16 in 1995 and 39 in 1996. Within the short period of its existence the CEN has speeded up permitting, resolved contentious pollution issues faster, increased public awareness, and assured that prosecution proceedings of violators are conducted more expeditiously. In the year and half of its existence the CEN has brought about tremendous change to improve regulation, encourage voluntary compliance by operators, assure better understanding and collaboration among law enforcement agencies and is recommended for countries with limited resources allocated for environmental issues.

Mr. Christopher Currie, Chief of the Enforcement Management Division for Environment Canada, described the critical role that a central government agency can play to build capacity through training programs. In Canada responsibility for environmental protection is divided between the federal and provincial governments with much of the actual regulatory activity in the provinces. Even the federal agency is highly decentralized with no line authority over its regional offices. While the federal agency as a whole tends to concentrate on criminal and transboundary issues, the Headquarters enforcement office has decided to focus on training as a central part of its mission. A nationwide tiered training approach has been established for all environmental enforcement officials with general and minimum competencies for certain job categories (e.g. legal, technical support, management) and specialized competencies for particular types of regulations (e.g. for hazardous waste inspectors). Following a critical parliamentary report this emphasis on training and minimum competencies has been reinforced. Also, given the importance of transboundary issues, such as hazardous waste, it has encouraged inter-agency in-country networks for training with such agencies as Customs and the Royal Canadian Mounted Police. Further, given current success within Canada, the Agency is now looking toward to the establishment of external training networks with other countries.

3 DISCUSSION

In response to a question about the prospects for utilization of electronic means for regional networking, Mr. Pastora said that so far this has been difficult in Central America, but that a web page and CD ROM had been created to hold all relevant environmental legislation. To assist increasing the capacity of individual countries other regional bodies were being created such as a regional technical body of EIA and independent bodies to deal with transboundary environmental issues, including 3 proposed bi-national water basin commissions.

When asked how a small country like Ireland can deal with complicated and complex industrial sectors, Mr. Macken said that their best advantage was to “play off” one company’s information against another. As to enforcement itself arising from their EMS and permitting strategy, they rely on the reports coming in as part of the EMS requirement and if such reports do not appear the Agency will pursue the company in a graduated scheme of enforcement which seldom results in the need to go to court as most companies see EMS as to their own economic advantage

One questioner noted that the Ghanaian CEN model was one for the central government and wanted to know the role of local government in environmental enforcement. Mr. Asiamah responded that there were 110 districts in Ghana, each with an environmental management commission with their own authorities and which were using the same networking model at the local level. Regarding funding on the most common type of enforcement order which are orders to relocate polluting industries away from encroaching urbanization, Mr. Asiamah said that the offending facilities must pay for their own relocation.

4 CONCLUSION

There seem to be several models that may be employed to build capacity for environmental enforcement. Central America demonstrates the utilization of multi-national regional networks for information sharing and assistance. Ghana, on the other hand, utilizes internal networks among all law enforcement agencies within a particular country to expedite the enforcement process and make it more efficient in addition to building the individual capacities of each cooperating agency. Ireland has adapted the EMS through inclusion in permits to provide critical information to the enforcing agency. And finally Canada demonstrates the critical role that a central government agency can play through coordinated training programs to build the capacity of provincial and local entities as well as other federal agencies involved in environmental enforcement.

