

SUMMARY OF THEME #6 PANEL DISCUSSION: BUILDING GLOBAL AND REGIONAL NETWORKS

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GOALS

Regional meetings were designed to address the following issues:

- The genesis of the network and how it was established.
- What was/is involved in developing and maintaining the network.
- Who is asked to participate and at what levels in the organizations.
- Subjects the network covers.
- Vehicles used for exchange and means of communication used.
- Topics on which exchange is taking place.
- How the network overcomes differences in language and legal or other definitions of terms such as what constitutes a hazardous waste.
- Future directions and changes anticipated for the network.

SUMMARY

Theme #6 building global and regional networks was divided into two sessions. On day four of the Conference in the afternoon, four successive panels on the Americas, Europe, Asia and Africa provided background and status information on existing and emerging regional networks. General plenary discussion opportunities were offered following each panel. This was preparation for regional meetings held that afternoon and the following morning. On day five in the afternoon, selected spokespersons presented results of each of the regional meetings and there was a general discussion on the future of global and regional networking. In all cases specific actions have been defined to move global and regional networking forward.

1 INTRODUCTION

Mr. Steven Herman opened the afternoon session emphasizing that the theme of building regional and global networks as the essence of what we were doing at the Conference. The question he posed is how do we do it and what do we do within them. He reminded participants of the discussions at the Fourth International Conference in Chiang Mai, Thailand two years ago during which participants recommended that regional networks be established to better enhance country environmental compliance and enforcement and address regional and global environmental problems. We have had some success, some less than successful, and some have not developed as proposed. What have we learned about the good reasons for success and good reasons for those that have not moved forward?

This is important for us to understand and address. Mr. Herman introduced the Theme #6 panel Moderator, Mr. Jan van den Heuvel who set the stage for the plenary panels, regional meetings and reporting out on the final day in the afternoon.

Mr. Jan van den Heuvel noted that we have learned a lot over the past few days and had heard a lot of experiences and stories with differences but also similarities and common challenges. We now face a managerial challenge and that is how to make it happen. We drew upon the conclusions in Chiang Mai that we should work together on regional networks. These opening panels provide background on the status of regional networks, regional problems which need cooperative solutions. After discussion the regional meetings were held and then a second plenary on Theme #6 presented the results. The following summary of the two plenary sessions and plenary discussions is organized around each of the four regions, presenting in turn the background presentations on status, discussion during the plenary, and closing plenary report out on the regional meetings.

2 EUROPE PANEL

2.1 Panel on the Status of Regional and Sub-Regional networks in Europe

2.1.1 IMPEL Network

2.1.1.1 Status of IMPEL

Ms. Waltraud Petek reviewed the status of the IMPEL network, the European Union's network for the implementation and enforcement of environmental law. The European Union is a supra national organization founded in a treaty among now 15 member countries including Finland, Sweden, Denmark, the United Kingdom, Ireland, The Netherlands, Belgium, France, Luxemburg, Germany, France, Spain, Italy, Greece, and Austria. The European Union has its own body of law enacted by the Council of Ministers elected based on the treaty. There are numerous laws most are directives which means they are framework laws which must be implemented by the member states who are also responsible for enforcement. There is no enforcement body of the European Union so there are no European Union inspectors going to facilities. This is the context within which the IMPEL network operates.

2.1.1.2 How IMPEL got started

An initiative in early 1990 by The Netherlands brought forward the idea of a meeting on the implementation and enforcement of environmental law; IMPEL was first formed at a meeting of Member States in Chester England in 1992. Its aims are to contribute towards an effective and even implementation of environmental law and to promote enforcement within member states. It is informal and not founded on the European Union's Treaties. Recently IMPEL was recognized in several European Union documents starting with the 1992 5th Action Program mentioning networks on environmental inspection and enforcement. In 1996 the European Union issued a communication and mentioned it and gave it a role. The Council of Europe resolution specifically recognized IMPEL as a useful informal instrument for improving and implementing inspection and enforcement inter alia through exchange of information and experience on different administrative levels. It specifically said that IMPEL should play a role during the different stages of the regulatory chain, in particular, it should

give advice on environmental compliance and enforcement. This set the stage for IMPEL to broaden its purpose to different topics in environmental law and not just to enforcement, but to policy issues throughout the regulatory chain from creation of legal instruments to enforcement.

2.1.1.3 How Does IMPEL Work?

Plenary meetings are held twice a year co-chaired by both the European Union and a member state which holds the Presidency, rotating every 6 months. The plenary is made up of official national focal points designated for each country. It decides on strategic issues, agrees on the budget and approves an annual workprogram of the Standing Committees. There are two such Standing Committees: SC1 covers legal and policy instruments and implementation issues; and SC2 covers technical practical applications, management instruments, inspector exchange programs, inspection and enforcement functions. Under each of the Standing Committees, separately or jointly, ad hoc workgroups are formed. Both Standing Committees prepare workprograms and budgets and discuss project results. Finally, a Secretariat has been set up with the important role of helping to prepare plenary and Standing Committee meetings and to facilitate all activities and workprograms. The Secretariat is hosted within the European Commission, DG-XI. It is staffed by 2 staff of member states with secretarial support of the European Commission. National coordinators are designated by each ministry to be in charge of securing a good information flow to and from IMPEL and member states. A Directory of Contacts is published. Human and financial resources come from the Member States and the European Commission. Most projects under IMPEL are co-financed by one or more of the Member States and the European Commission. In 1997 the European Commission earmarked 500,000 ecu (about 600,00 USD) and in 1999 about 400,000 (about 450-470,000 USD) to IMPEL.

2.1.1.4 How is the Workprogram Established and What Kind of Activities are Included?

Each member state may propose projects at the Plenary session. Terms of reference are drawn up for each project with a description, objectives, timetable, resources, and indication of the outcome. An overview of past and current activities was provided, including:

- technical guidance on specific industries e.g. power plants, waste incinerators;
- exchange on aspects of the regulatory process;
- workshop on coherence of environmental regulation; and
- comparison of enforcement arrangements within Member States.

Given the time constraints, Ms. Petek was able to describe only two examples of specific projects which she considered most successful:

- Inspector Exchange: is a week-long program organized by a Member State with the participation of 2 officials from each of the other Member States to exchange practices, problems, case studies and site visits. So far 14 such exchanges have been completed and the first round should be completed by next year. It has proven to be particularly useful in getting a lot of people in contact with IMPEL.
- Criteria for Minimum Inspections Standards: These criteria or minimum standards for inspection across all the Member States was specifically called for in the Resolution concerning IMPEL which asked it to develop these

standards using a group of experts of Member States. These are now published and the European Commission is now preparing a recommendation of the Council of Europe to set up these minimum criteria based on how the inspection function should be performed within Member States.

These are but two of the activities. There are several documents which can provide more detail:

- paper by Bestke Goinga on the IMPEL network is published in Volume 1 of the Monterey Conference proceedings, page 717;
- IMPEL Brochure;
- Minimum Criteria of Inspectors; and
- Spotlight: the IMPEL newsletter which provides highlights of both IMPEL and member state activities.

2.1.2 ECA-INECE

Ms. Ruta Buskyte described the status of activities of ECA-INECE, one of the youngest regional networks. The idea of establishing the new regional network covering Central and Eastern Europe and NIS newly independent states of the former Soviet Union, was agreed upon during meetings at the Fourth International Conference on Environmental Compliance and Enforcement held in Chiang Mai, Thailand. A wide range of transboundary issues echo the need for regional cooperation to address them including the transfrontier movement of waste, discharges to common rivers and common seas, the movement of air pollution, and other environmental problems cannot be solved separately without working with each other. A first meeting with both Central and Eastern European countries and NIS was held in May of 1998 in Vilnius, Lithuania. A short report on the status of the network and of this first meeting was provided in the conference registration package. The Vilnius meeting, following up on an offer made in Chiang Mai to host a first meeting, was supported by the Ministry of the Environment in Lithuania and The Netherlands with support of the World Bank and USEPA. The participants at the Conference came from 21 countries in the region. They agreed on the need for informal networking to promote compliance and strengthen enforcement of national environmental requirements and international environmental agreements through networking, capacity building and cooperation.

The activities will be organized by a small Secretariat which is now under creation. For better cooperation, national contact points may be nominated and more than 10 countries have designated such points of contact. The main areas of focus include:

- shared industrial problems;
- waste transport; and
- natural resource use.

Specifically, in all focus areas they will share the non-compliance response, enforcement tools, transboundary issues and permitting. They will seek fundamentally to promote awareness and exchange information to strengthen existing enforcement tools, develop new ones and train for capacity building.

2.1.3 AC-IMPEL

Dr. Ladislav Miko described AC-IMPEL and its status. AC-IMPEL is by name and content a sister informal network to IMPEL created for government bodies of 10 Central and Eastern European countries plus Cyprus. It started as an initiative of the IMPEL network. Initiation meeting took place in Brussels in January of 1998, where the working group for drafting terms of reference and preliminary working program for the year 1998 was agreed. Its first Plenary meeting took place in Brussels in May of 1998 after participating in the inspector exchange program in Luxembourg. The first AC-IMPEL exchange program took place in Budapest, Hungary in 1998. The focus of AC-IMPEL activities is to review national legislation and develop reports on progress in implementing European Union legislation in each of the countries in line for accession into the European Union, referred to sometimes as the approximation process. They adopted terms of reference and agreed to a workprogram. At the meeting the European Commission expressed strong support. The scope of environmental issues of concern in AC-IMPEL are broader than those of IMPEL as they include nature conservation in addition to both technical and legal issues. The initiative has a giant carrot in the entry requirements into the European Union at which point AC-IMPEL will cease to exist and all further activities will be under the IMPEL umbrella.

The structure of AC-IMPEL was agreed upon at the first Plenary session, similar to IMPEL but also more simple. The Plenary meets twice per year and connects the timing to one of the inspector exchange programs. Hungary already hosted the first. Estonia hosts the next program in December of 1998 and Poland and the Czech Republic will host in 1999. Having a Chair of the meetings is complicated since there is no chief country. So it is up to volunteers. There is always an IMPEL co-chair with a co-chair from AC-IMPEL changing every half year.

The main work is carried out by the national coordinators. There is a small Secretariat which for practical reasons is located in Brussels. There are also ad hoc workgroups. Right now there are three sets of activities:

- inspector exchange programs;
- training and information exchange; and
- multilateral projects proposed by members and an opportunity to participate in IMPEL projects.

Mr. Miko offered several discussion questions for consideration during the regional meeting for Europe:

- 1) The role of AC-IMPEL in ECA-INECE given AC-IMPEL's orientation toward IMPEL and yet the similarities of tasks and workprograms to ECA-INECE
- 2) Continuity in individual countries given the turnover in who comes to meetings
- 3) Financing of activities. It currently depends on support of the European Commission for plenary and exchanges but supplements are needed by individual member countries and from other donors as well.

A final paradox of the AC-IMPEL network is that it is time-limited since it disappears when the accession countries join the European Union.

2.2 Plenary Discussion Summary

A question was raised in connection with the Aarhus Convention and whether there was room for NGOs in Europe's networks given their informality and flexibility. Ms. Petek indicated that IMPEL is focused on the government authorities so far and that NGO involvement has not been considered. She recognized the importance of partnership and said that some activities were open but as an institution it is limited so far.

Mr. Dannenmeir inquired of Mr. Miko whether he had any solution to the problem of turnover. Mr. Miko said he hoped that the regional meeting would address this but suggested that from his perspective it is probably most important to identify the most concrete person to invite in the first place. Ms. Petek indicated that this is not necessarily a bad thing since it is good to get a broader reach by having different people exposed, so long as it does not disrupt a specific short term project where continuity is needed for the result.

2.3 Results of the Europe Regional Meeting

Ms. Susan Hay reported on the results of the meeting which covered those within and outside of the IMPEL, AC-IMPEL and ECA-INECE networks. She indicated that they all agreed that the key to moving forward would be to set realistic goals and concentrate on them. They also want to continue to seek low cost ways of communicating within the network including a directory of contacts and use of the Internet. They also all need established Secretariats, which need not be big but which would provide a focal point, and financed by a member country or possibly by international donors.

Languages continue to be an issue. Within the European Community for example there are 11 official languages but IMPEL currently employs just English. Within AC-IMPEL there are another dozen and ECA-INECE probably another dozen still. There is no easy solution given the financial and human resource implications of operating with multiple languages. She indicated that they currently plan on relying upon the good will of individual members to translate materials from English into their mother tongue. Good cooperation has already taken place geographically with different legal orders to address shared resources such as the Aral Sea so the language issue will likely always have to be addressed.

A second need is to strengthen networks and for this there is a need for a network at the national level to ensure coordination among all involved in enforcement including inspectors, customs officials and the like.

A third need is to avoid being overly ambitious. Take a step by step approach with a limited number of projects. Regional cooperation needs to offer advantages, promoting awareness and useful documents. A cross fertilization of ideas among networks is needed, for example between IMPEL and AC-IMPEL.

In regard to future workplans, IMPEL itself needs to move back to its inspector based grass roots activities. AC-IMPEL needs to focus on accession and approximation of legislation and learning how to apply that legislation in practice by building capacity. ECA-INECE needs to begin by compiling a list of contact points. INECE itself with the staff of Jo and Cheryl need to continue to provide an overall umbrella and link, but can depend increasingly on the work at the regional and national levels. Particularly useful to IMPEL is the use of the homepage on the Internet and the international conferences at which they continue to meet people and learn. Perhaps in the future it could be a slimmed down version with representatives from the regions, and possibly every four years. The regions can provide a focus for training and more in-depth on the group operations support.

There was some discussion on the value of having an Europe-wide INECE umbrella organization, which might include Turkey, Israel, Norway as well as Iceland etc. each of whom did not fit neatly into the subregions or other groups. This umbrella group might also better engage the NGO community.

2.4 Closing Plenary Discussion on Report of Europe Regional Meeting

A question was raised about whether these networks would include only government or provide as well for NGO participation. Ms. Susan Hay indicated that this would be up to each of the three existing networks as to whether NGOs might be observers or full members of the networks.

3 AMERICAS PANEL

3.1 Panel on the Status of Regional and Sub-Regional Networks in the Americas

3.1.1 North American Enforcement Working Group: Commission for Environmental Cooperation

Ms. Linda Duncan described the North American Enforcement Working Group as one that mirrors IMPEL but with several remarkable and unique aspects including the fact that it was established fully one year before IMPEL. First, although the North American agreement to establish the network is voluntary, the countries are under an obligation to implement and enforce their environmental laws, so it is a product of both carrots and sticks. The origins lie in the North American Free Trade Agreement, NAFTA, which had two side agreements, one on cooperation in occupational health and safety and the other in environment. The Commission on Environmental Cooperation which oversees implementation of the side agreement on the environment is located in Montreal and staffed by members from the United States, Canada and Mexico. The North American Enforcement Working Group is one of the programs under the CEC. The need for a group was recognized early by the CEC Secretariat as critical to carry out its responsibilities. But although the CEC took steps to initiate the North American Enforcement Working Group, it is a network directly created by senior officials of all 3 countries who were committed to move beyond their bilateral work to trilateral cooperation. It was officially constituted in 1996 by the North American Council of Environment Ministers. One important benefit of affiliation with the CEC is that enforcers have direct access to the Environment Ministers. The 1997 policy Statement by the Council reiterated their commitment to the essential responsibility of government for the implementation and enforcement of environmental law. Another advantage is funding. The governments of the three countries have provided three year funding through the year 2001. The work on enforcement includes not only environmental pollution control but also wildlife protection. Simultaneous with the Monterey conference there is the 5th Conference in 4 years of the working group on CITES. Ms. Duncan indicated that several reports are available to participants including:

- Brochure on the North America Wildlife Enforcement Group, NAWEG.
- Tracking and enforcement of transboundary hazardous waste including the production of a directory of officials and review of constraints and issues.

- Environmental Management Systems and Compliance: an initial summary report on the efforts by the three countries to assess together whether or not various voluntary initiatives are really achieving compliance.
- Indicators of Effective Enforcement: initiated to meet the obligation of the parties to NAFTA to implement and enforce environmental law, the countries are trying to define, in particular with the public, indicators of effective enforcement. A public dialogue was held with participation as well by representatives of the OECD and European Commission at the meeting.

Challenges in the future include:

- responding to requests by state, provincial and tribal officials to join the effort;
- desire to get the public more involved beyond the public dialogue; and
- connecting to other networks around the globe and particularly within the hemisphere.

Ms. Duncan indicated that all members of the North American Enforcement Working Groups are looking forward to working with others within the Hemisphere and elsewhere.

3.1.2 Central American Commission for Sustainable Development: CCAD

Mr. Marco Antonio Gonzalez Pastora described the Central American enforcement network as part of the workprogram of the Central American Commission for Sustainable Development, CCAD. Beginning with some inspiring quotations from Napoleon, he noted that many of the preceding presentations reminded him of a Napoleon quote: "In order to win the war what we need is l'argent, l'argent, l'argent." He noted that a network is a lot of holes and a lot of threads. That means you have space enough to pass and you have something that unites you. The CCAD serves as a facilitator in the region to ensure that the environmental law project for Central American meets two objectives: 1) upward enhancement of environmental legislation; and 2) achievement of a high degree of enforcement of legislation. Their task is one of promotion of a network of people in the region so they can learn from each other in a flexible and open space. The entire effort is intended to deliver services.

The participants in the network include everybody with an interest in achieving the objectives. This includes legal counsel to environmental institutions, private lawyers, NGOs, The Meso American Association of Environmental Law (NAMADA), state attorneys, environmental attorneys, academia, legislators, judges and law students.

The services that are provided are several:

- provide training opportunities in environmental law, particularly what CCAD calls distance training for those people who lack the time or are not the right age to go into formal training studies;
- facilitate information exchange through the website's data centers, Compact Disk with legislation and policy decrees;
- perform a clearinghouse role so people who need assistance can be matched with those who can provide training and assistance including in the past, USEPA, PROFEPA (Mexico), Puerto Rico's Board of Environment, all of whom worked with CCAD to deliver people to train; and
- technical assistance in an efficient and cheap manner since there is little time to deliver.

The exchange of information and experiences is important as people realize that they face the same problems and seek to find ways to solve them jointly. Prosecutors, and general attorneys have an opportunity to work together on issues such as illegal smuggling of wildlife, CFCs or other prohibited substances.

Areas of focus include:

- setting up systems to address transboundary impacts of pollution;
- clarify concepts and rules, important for all institutions involved in enforcement so they know what they are talking about. This is a facilitated process to put everything together;
- facilitate coordinating mechanisms regional and national agencies especially those working in related fields such as the Ministries of Agriculture in regard to animal and plant health, and the Ministries of Health;
- promote enforcement pilot project training customs officials on the proper interpretation of regulatory provisions now in Costa Rica and soon to be expanded regionally for officers involved in implementation of CITES; and
- facilitate participation of Central America in major conventions of the parties, acting as a group in negotiations on climate change, biodiversity, and the like to obtain the best advantage of participating as a whole.

In order to enforce you need a culture of enforcement, and Mr. Marco Gonzalez noted that until citizens avoid crossing the street at a red light there is much work to do with all sectors of society.

Three technical regional commissions have been established:

- environmental impact assessment;
- environmental auditing; and
- legal advisors to environmental authorities.

These commissions have helped a lot because by allowing the key officials to work together they can set up more effective regional programs.

Finally, about funding, these efforts have been possible thanks to the generosity of USAID and USEPA.

Most recently a program to train judges has led to environmental law manuals for each country, devised to be easy to use and to include tools to enforce environmental law. In each of the countries in the region, environmental law is very spread out among sectoral and national environmental laws and policies. It was a major effort to systematize rules, penalties and authorities for this purpose. This was made possible by support from the InterAmerican Development Bank with Dutch support. Now, with the support of Switzerland they are developing 3 manuals: one on enforcement, one on efficient legislation, and one on environmental laws in Central America.

In 1999 a major goal is to have established diploma and masters courses in environmental law to create a critical mass of lawyers and enforcers who will have the needed knowledge, skills and access to information to enhance performance.

3.1.3 Caribbean Network: Creating CARIB-INECE

Mr. Vincent Sweeney described the status of building a network for environmental law compliance and enforcement in the Caribbean. Mr. Vincent Sweeney is Director of the Caribbean Environmental Health Institute, a regional intergovernmental organization of the Caribbean Community created when they agreed originally to cooperate on trade and economic development and it naturally expanded into cooperation on environment and health cooperation. The Caribbean Community, a CARIB-INECE, set up a number of institutions within the community to assist progress in these areas. The CEHI was created to provide technical and advisory support to those countries which are part of the Community. There is no CARIB-INECE yet and key parties within the region are talking about how to start. Options recognize the need for a Secretariat in which a network might be housed. One option is to house the network at the UNEP RCU in Jamaica responsible among other thing for implementation of the Cartagena Convention whose jurisdiction includes countries around the Gulf of Mexico in North, Central and South America as well. UNEP is a strong candidate to Another option is to house the network at the CEHI or some combination of both or other organization. The rationale for using CEHI is that there is a collaborative interagency group now implementing the CIDS initiatives of the UN conference on Sustainable Development of Barbados in 1994, including UNEP, UNDP, Economic Commission for Latin America and the Caribbean, OAS, Caribbean Development Bank, and the Caribbean Conference on Science and Technology. The work on the initiative reports directly to the CIDS Bureau comprised of the Environment Ministers of the Caribbean. CEHI is also developing a network for laboratory support for the region. An emerging issue is the creation of an environmental law foundation with CEHI and with others in the region. The Caribbean is also united through several important regional mechanisms, including the Cartagena Convention, Caribbean water and wastewater management initiative and health initiatives as important regional mechanisms.

Where do we go from here? Our next step is to leave the Conference with a torch bearer who will be responsible for identifying the key parties and bring in the Council of Ministers of Environment, Health since it will be new to many of them. They meet regularly so there is great potential for moving forward.

3.1.4 FIDA: Hemispheric Network on Environmental Law

Mr. Eric Dannenmeir spoke on behalf of the Organization of American States (OAS) in describing the Inter American Forum on Environmental Law, (FIDA-from the Spanish) whose mission is to provide a network of environmental experts on environmental law, its implementation and enforcement to support capacity building within the hemisphere. The network was originally called for by participants at the Third International Conference in Oaxaca, Mexico in 1994 and later in the Fourth International Conference in Chiang Mai, Thailand in 1996 who then worked behind the scenes with their governments in the Americas resulting in a commitment of the 34 heads of State at the Bolivia Summit in December of 1996 to develop the network. The commitment to develop the network of environmental experts in consultation with the OAS is described within the Plan of Action for Sustainable Development. Its purpose is somewhat broader than environmental compliance and enforcement, focusing as well on the development of environmental law given the status of needs in the region, although also implied in this is the need to develop requirements which are enforceable. FIDA will serve as a focal point for cooperative efforts including environmental enforcement and compliance. The OAS is a hemisphere wide political organization which is now 50 years old with 34 active member states. OAS responded by engaging in an open

and collaborative participatory process beginning with a meeting in Miami, Florida with experts from government, NGOs, academics and private partes. It also sought the views of the region's InterAmerican Bar Association in a meeting in Lima in an informal dialogue. It also studies existing networks such as INECE, CCAD, E-LAW as to what works and does not work and conducted a regional survey to clarify priorities. Over 300 persons were sent the survey and over half responded. By sector 34% were from government and international organizations, the rest from the private sector and academia. Additional opportunity to have a dialogue on the subject was provided by the CCAD at their meeting in Honduras. Out of 11 options, the top three priorities included:

- law development and national model law formulation;
- transboundary cooperation; and
- environment and information exchange.

A formal proposal for FIDA, provides for a community of people devoted to the same cause with open membership but provision for sectoral interaction and focus on 2 biennial themes, one procedural and one media specific. Indeed the key to success of existing networks appears to be keeping it small and maintaining a focus on concrete responses. OAS is now in the process of seeking review of its draft blueprint charter and workplan. While OAS is supporting initial funding of activities it is also seeking long term funds to maintain and fully implement the network. To facilitate the exchange of knowledge and experiences, FIDA is now in the process of identifying country focal points.

3.2 Plenary Discussion Summary

Mr. John Bonine mentioned that for 8 years the oldest network including individuals from 50 countries has been supported. The network concept is different from an organization and regular meetings. E-LAW Alliance Worldwide is able to set up networks on the Internet within 1 hour as an ad hoc means of getting real work done. It happens almost immediately without the need for a lot of extra plans.

Mr. Antonio Benjamin, Brazil, noted the work of the Central American model and asked whether there were results from the training of public prosecutors, concrete examples of enforcement and environmental improvements resulting from the training. Mr. Marco Gonzalez indicated that he could not prove that training the judges resulted in specific and favorable legal decisions. The process of results is a cumulative one. Manuals have been produced, 600 Judges trained. He knows of cases to enforce environmental law. CCAD has offered enforcement training 6 times which has produced a cadre of local trained persons in place on environmental legislation. Environmental Attorneys and prosecutors have been set up, four such units in Central America. Now environmental law is taught at the Universities where there is a tradition of being conservative about change. Finally there is greater public access to information.

3.3 Results of the Americas Regional Meeting

Mr. Marco Antonio Gonzalez Pastora summarized the results of the Americas regional meeting. He indicated that following an overview session on the hemisphere wide role that the OAS FIDA network would play that the group split into Sub-Regional groups so they could discuss in more detail how they envision the future of the network. As a first stage of the networks it should work with Sub-Regional groups and a focal point is needed

for Sub-Regional groups. In Central America, the CCAD already has established focal points for each country who must work both outwards and inwards to ensure a liaison function within countries as well as with other networks.

The main goals of the networks are:

- enforcement of environmental legislation;
- promotion of compliance;
- training; and
- communications and information access for members.

An Americas regional meeting will be held within the next 2 years. As secretariat for the Supra-Regional network the OAS Department of Sustainable development serves that function now with FIDA. They need to think about the next phase and what will be the big issues addressed.

As for Sub-Regional proposals, in addition to the existing networks for North America and for Central America, CARIB-INECE will be formed around the larger Cartagena convention. The key leaders plan to issue a communique to inform those not present about the effort and to solicit views on the relevancy of the network. They will hold a Task Force meeting in January or February of 1999 including national and international organizations represented in CariCom and others including CCAD. The outcome will be a workprogram which they present to potential donors for support. The purpose will be to inform others in the region currently not present on INECE, develop a plan of action.

For Central America they met and concurred with the general goals. They want to focus on illegal traffic of toxic and hazardous waste, promote the regional approval of dirty products, the uniform management and enforcement concepts and training of general attorneys prosecutors, judges and comptrollers in international environmental treaties and exchange of experiences. They will use a bulletin to continue to inform their members. CCAD will serve as a focal point with OAS. There will be a meeting in Honduras in January or February of next year (1999) to discuss INECE and cooperation in working on illegal trade and investigation and new trends in regulation.

In North America they will continue their working groups and reach out to other Sub-Regional networks. Enforcement needs to be part of environmental policies. Public participation must be ensured to promote active also multi-sponsored regional meeting. There is general agreement on this need to gain public participation. Since the mandate from Santa Cruz talks about participation of the public and public and private partnership. OAS must help support the political will and has some successes in doing this like the water management network it established in 1993.

In response to a question by Ms. Theresa Serra of the World Bank about report on the South American subgroup, Mr. Gonzalez indicated that they proposed to concentrate on the following areas: enforcement of the environmental law, development of standards and regulations, compliance and enforcement is weak in the legal frameworks, training to and bring up capacity for enforcement, transboundary movement of pollution, and finally exchange of information and communications. They agreed to a plan of action. There is a Steering Committee composed of members from Venezuela, Bolivia, Brazil and Chile. There will be a meeting in Quito, Ecuador sponsored by the Minister of Environment, Yolanda Kakabatse, or hosted in San Paulo. They all recognized the need to work further to contact those not represented at the Monterey conference. At this regional meeting there would be 1 government and 1 NGO representative at the meeting from each country.

All pledged to get together in less than 6 months to create a network and decide then how to implement it. Each Sub-Regional network is to serve as a focal point, facilitate progress and work with the OAS sustainable Development Department.

4 ASIA REGION

4.1 Panel on the Status of Regional and Sub-Regional Networking

4.1.1 ASPA-INECE

Mr. Lal Kurukulasuriya, UNEP regional office in Bangkok, indicated how supportive UNEP finds the INECE partnership to meeting its mandate. With financial support from the government of The Netherlands the UNEP regional office has had the possibility of hosting a regional meeting on environmental compliance and enforcement in close cooperation with SACEP, the South Asia Cooperative Environment Program. Participants from 18-19 countries were joined by the Secretariats of the Basel Convention, Montreal Protocol and legal advisor to the climate change convention all joined to vigorously support the regional network for Asia and Pacific. A report of the meeting initiating the network is included in the Conference registration materials. Several points are important to make. First it is to be responsive to specific regional needs and as such will evolve into a structure and format to best fit those needs. Second, it is to be country driven and will seek to strengthen national networks which would then enrich regional networks. Third, it is to link up with and draw upon networks at the global and regional levels. A strong INECE will help make the regional INECES function more effectively.

The Asia regional network has an enormous expanse from Turkey in the West to the East Pacific region. Therefore the regional network is operationalized through Sub-Regional bodies, SACEP, the South Asia Cooperative Environment Project, ASEAN, South Pacific Regional Environment Program (SPREP), and MPREP. The networks can only be formed with a torch bearer, a focal point, a secretariat to draw on the expertise, workprogram and support. Their plan is to start slowly and work within their own absorption capacity. So, the goal is to have: 1) strong national capacity building and networking, 2) Sub-Regional capacity building to promote the exchange of experience, and 3) information gathering and analysis based upon priorities cited in the report. Priority activities include the country profile report, convening meetings, establishing links. They plan to hyperlink to the extent possible to increase the available training materials and by adapting to the region's unique needs. UNEP Bangkok has responsibility for the umbrella ASPA-INECE.

4.1.2 ASEAN

Mr. Aziz Rasol presented an overview of the work of ASEAN and potential for a subregional network on environmental compliance and enforcement within the framework of existing activities. ASEAN was created in the early 1970's in the movement against communism to develop into a political and economic entity of its own. ASOEN was created by 9 countries in the region at a Summit of the Heads of government. There are Committees at the Ministerial level, and workgroups. The Committee on Environment was created in the 1980s and has several workgroups including one on biodiversity, one on conventions, one on haze problems and one on oceans and seas. Senior officials on the environment meet 2 times a year at regular meetings. Workgroups usually meet 3-4 times a year. A summit

is held every year to two years to officially set the program. The ASEAN workgroup on transboundary pollution to address the haze problem caused by forest fires was perhaps the biggest success. It was a common issue, which needed to be addressed rapidly and effectively and it was. ASEAN formed a workgroup and divided the work. Transboundary pollution was led by Malaysia, a group on preventive measures is led by Singapore and one on fire fighting was taken up by Indonesia. All 9 members worked closely together and because of the existing structure, it was in a good position to gain outside support from the Asia Development Bank, USAID and UNEP and the countries themselves. It was fully implemented in 9 months demonstrating that if there is political will and commitment it can be done.

What does the future hold? ASEAN has two choices to embark on environmental enforcement networking. It can establish a separate workgroup on environmental enforcement or it can make this topic part of the agenda of other workprograms so it is always an agenda topic. This will be discussed among participants from ASEAN countries at the regional meeting.

4.1.3 South Asia Cooperative Environment Programme, SACEP

Dr. Ananda Raj Joshi, Director General of SACEP described SACEP's role in South Asia and the future of a South Asian environmental compliance and enforcement network. SACEP is an intergovernmental organization, which was established in 1982. Its main mandate is to advance environmental management in the South Asian region among 8 member states (Afghanistan is inactive). Their principal Review Body is the Governing Council whose members are the Ministers of Environment of the concerned member countries. They also have a Consultative Committee which comprises the embassy representatives of the member countries which meets once a quarter to review the work of the Secretariat which is based in Colombo, Sri Lanka. SACEP has identified 14 priority subject areas on environment that are of regional concern which need immediate attention. Each of these priority subject areas has a Focal Point whose tasks are to identify priority areas of action and develop project proposals, which are regional in character. The function of the Secretariat is to seek funding and effect the implementation and monitoring of such regional projects. The Secretariat also serves as the co-ordinating body for regional projects and is also the Secretariat for the implementation of UNEP's South Asian Regional Seas Programme.

While SACEP does not now have an enforcement network, they do have networks on environmental information on which they can build. Specifically, they have already established a Centre titled SACEP Environmental & Natural Resources Information Center (SENRIC) whose main function is data gathering, capacity building, training and information management. Almost all member countries of SACEP have environmental laws. However at this time, the major challenge is securing enforcement, as there is the lack of guidelines, unclear enforcement mechanisms and inadequate capacity of institutions, insufficient data and basic information.

SACEP agreed at the September meeting in Bangkok to the setting up of ASPA – INECE and that it would serve as the Sub-Regional network for the South Asia region and to carry out all the necessary functions within the broader framework. They are in the initial stages of developing this network.

4.2 Plenary Discussion Summary

Mr. Sweeney inquired about the relationships within ASEAN and to ASIA-INECE and whether they should consider modeling after it in the Caribbean. Mr. Lal Kurukulasuriya indicated that by initiating action through the initial meeting, they were able to set up a support unit to set up Sub-Regional networks. It is far more operationally effective to work through the Sub-Regional organizations. The role of UNEP is then one of making linkages with other networks, play a facilitation role and make sure regional information, materials and support is forthcoming from institutions with the capacity to assist. Only a small Secretariat will be based in UNEP and they can help disseminate information.

5 AFRICA, WEST ASIA AND MIDDLE EAST PANEL REGION

5.1 Panel on the Status of Regional and Sub-Regional Networking in Africa

5.1.1 Past Efforts to Establish an Africa Regional INECE Network

Mr. Goke Adegoye, Nigeria, described the status of activities to implement recommendations from the participants at the Fourth International Conference in Chiang Mai for the formation of an Africa regional network where participants agreed on the need to establish an African network devoted primarily to exchange and capacity building. Nigeria had offered to serve as a focal point for a regional Secretariat to facilitate arranging the network. South Africa had offered to host a first regional workshop. It was also recognized that there was a need for Sub-Regional nodes to serve smaller groups through training and staffing because there is a considerable gap among African countries in the level of environmental compliance and enforcement both in the nature and focus and levels of development. Many countries are just beginning to develop the frameworks for environmental management. He personally took some initial steps to establish a Secretariat but given political turmoil and change in Nigeria it did not go very far before in an effort to start up again there were also significant changes in contacts they were trying to establish among the countries. Nigeria has invested in training of its own staff, focusing on officers of Nigeria's state agencies and have participated in an intensive study tour on environmental enforcement with USEPA with support from the World Bank. Mr. Adegoye proposed that consideration should be given to housing an Africa-wide network independent of any single government sponsor and that this idea should be discussed further with one of several organizations, including possibly the Organization of African Unity (OAU), ECA, African Ministers for the Environment, SADIC, ECOAS, African Development Bank, UNDP with the capacity 21 program, UNEP and INECE Africa need to arrange to lend political and financial support to that Network to sustain it on an ongoing basis.

5.1.2 World Bank Perspective on Regional Networking in Africa

Mr. Arne Dalfelt of the World Bank's Africa Division indicated that the World Bank is focusing more on environmental capacity building than actual enforcement, particularly because institutions in Africa are not well equipped to handle their commitments to environmental Conventions. Many still use obsolete 19th century laws and do not really have a culture of enforcement because of the overriding focus of those seeking development which does not include the perception that environmental compliance is what is needed as well.

The World Bank has been focussing specifically on Environmental Assessment and its use as a decision making tool including both EA and environmental compliance and enforcement of related conditions. Existing networks in Africa are all emerging since all lack tools, money and resources. However, there are a lot of the Africans who themselves are moving ahead in several quarters in the environmental field. In July of 1999 for example, there was an African Ministers Conference on Environment sponsored by IUCN, World Bank, UN Conference on Environment in Africa, organizing a stakeholder platform for a final action plan to be developed. There will be a Donor conference in mid-Winter next year. Trust Funds are available to be used in a focused way to support these activities with the ultimate goal of supporting capacity building in enforcement.

5.1.3 African Development Bank Perspective on Networking in Africa

Mr. Eugene Shannon of the African Development Bank noted his paper contribution on the role of transnational corporations in contributing to environmental problems in Africa and the efforts of countries in West Africa in particular including Ghana, Sierra Leone, Liberia and Nigeria in addressing the illegal dumping of hazardous waste, toxic chemical contamination resulting from poor and illegal practices. As a Development Bank, the ADB is also there to support global issues including transboundary movement of hazardous waste both from north to south and within the south, climate change, ozone depletion and the like through capacity building. They have a network throughout the Bank, NESDA, the network for Environmentally Sustainable development in Africa also working with and supporting the Association of African Ministers on the Environment AMSEN which is also supported now under the OAS with a Trust Fund. So they are in a position to facilitate through funding and are prepared through their organizational structure to support, but not do enforcement.

5.1.4 North Africa and Middle East Networking

Mr. Yasser Sherif described the status of forming a network for North Africa and West Asia. He reported that at this time a host organization has been identified but that not much work has proceeded past this initial step and a game plan for moving forward. CEDARE, a non-profit organization formed by the Council of Arab Ministers responsible for the Environment in 1992 seemed a good choice from their perspective given their objective to offer regional and national level support to develop and implement environmental programs for environmental conservation. This compatibility of objectives is coincident since they have just begun a project on compliance and enforcement of environmental laws. Having this focal point they plan to develop an agenda for moving forward with a meeting in the Spring of 1999 probably in Cairo. Few of the participating member states will have benefitted from the INECE discussions since only a handful of participants from the region have been able to participate in past conferences and he noted that it will be important to convey the spirit of INECE. Much attention will be paid to developing basic capacity at the national levels. One characteristic of the work of CEDARE is that Arabic is the working language which can overcome one of the barriers to reaching further into government operations.

5.2 Discussion Summary During Plenary on Status of Networking

In response to a question posed to Mr. Yasser Sherif regarding the role of NGOs versus government officials in the network he described, he indicated that he did not know but that in his own personal view this would be a government network since enforcement was

primarily a government function. He mentioned existing NGO networks that could serve that purpose in his region. In subsequent discussion different views were offered on this important issue.

A second question concerned whether the World Bank is interested in funding and supporting institutional and legal reform within South Africa. Mr. Arne Dalfelt indicated that they just completed a survey of all environmental legislation in about 50 African countries and that the bank is very interested in supporting these activities.

Mr. Van den Heuvel concluded that the regional meetings should focus on setting an agenda for the coming year including what would be accomplished when and who is responsible for taking action.

5.3 Results of Africa Regional Meeting

Mr. Yasser Sherif reported on the results of the Africa regional meeting resulted in commitments to move ahead to pursue four Sub-Regional networks within Sub-Saharan Africa in South, Central, West and East Africa respectively. Country torch bearers were identified for each of these sub-regional groups. In West Africa it is Nigeria, in East Africa Uganda, in Central Africa, Cameroon, and in South Africa Zimbabwe will work also with South Africa who offered at the last conference to take some initiative in this area. Specific activities and actions were identified to move ahead.

6 GLOBAL INECE NETWORKS AND CROSS CUTTING DISCUSSION ISSUES

6.1 Support of UNEP for INECE

Mr. Kurukulasuriya spoke on behalf of UNEP that they would like to see a strong and robust INECE especially if regional effective and function that would be a parent body to which they could turn. He hoped it would sponsor the cause of regions with donor networks as well.

6.2 Role of NGOs in Regional and Sub-Regional Networks

A recurring issue during the plenary discussions was the appropriate role of NGOs and whether NGOs could be viewed as "citizen enforcers." There was discussion of this issue following each panel with some viewing citizens as enforcers and others as at best a prod and supporter of the government enforcement function. Mr. Herman noted that given the INECE history, the effort has always been made to make it an inclusive process. Many countries, including the United States, provide for citizen enforcement, viewing enforcement of environmental law and three-pronged: state/federal/citizens. This may not be the case in every country. Inclusion if its appropriate must take into account the role of NGOs. We must always look to inclusion versus exclusion. A commenter from Argentina was surprised at the previous comment that enforcement is solely a government function, pointing to the right given their citizens for a healthy environment and the duty imposed to find both a duty and a right which cannot be separated. The point was made that democratic, participatory democracies have joint responsibility. Ms. Svetlana Krevchenko noted that especially in light of the Aarhus Convention, just having networks of government officials would be a step backwards. The Asia network did not have these issues because they have included the involvement of NGOs, but Europe's networks did not nor did several others spoken about.

6.3 Making Good Intentions Work

Mr. Jan van den Heuvel closed with the observation that there were so many good intentions about what would be accomplished over the next year, that if even half came to fruition then it would be successful.