

# THE INECE NEWSLETTER

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*International Network for Environmental Compliance and Enforcement*

Issue Number

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INECE WEBSITE:

<http://inece.org>

## World Summit on Sustainable Development to Address Institutional Machinery of Enforcement

Progress in environmental compliance and enforcement over the past decade will be a key issue at the World Summit on Sustainable Development (formerly Rio +10), to be held in September 2002 in Johannesburg, South Africa. This summit of world governments, concerned citizens, United Nations agencies, multilateral financial institutions and other major contributors will assess global change since the historic United Nations Conference on Environment and Development (UNCED) of 1992. One of the goals of the summit is to suggest mechanisms for improving the regulatory framework of environmental enforcement. The first meeting of the Summit Preparatory Committee took place from April 30 – May 2, 2001 at the UN Headquarters in New York. The preparatory documents for the conference note that "...much of the lawmaking on sustainable development seems to be *ad hoc* and piecemeal or has not been endowed with the necessary institutional machinery and authority for enforcement and timely adjustment....to integrate environment and development in the policies and practices of each country effectively, it is necessary to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological, economic and scientific principles. Programs also need to be established to review and enforce compliance with the laws, regulations and standards that are adopted." For more information visit the Summit web page at <http://www.johannesburgsummit.org/>.

### Featured articles in this issue of the Newsletter:

**Serious Health Threats from Toxic Chemical Spills Spur Enforcement to Encourage Prevention** Peru takes stronger measures to hold a gold mine accountable for damages related to serious injuries to local residents from a mercury spill. A cyanide spill in Romania caused a major fish kill and public health injuries to local residents already recovering from cyanide overflows from a gold mine operation last year. Denmark and Scandinavian countries strengthen enforcement related to their chemical control regimes. Petroleum refineries in Brazil made to clean up pipeline spills. *[See Enforcement Highlights, page 18]*

**UNEP Guidelines on Environmental Compliance and Enforcement** UNEP solicits comment on the latest draft guidelines on MEA compliance and enforcement. *[See UNEP Guidelines, page 4]*

**Communique Cites Importance of Compliance and Enforcement** The Environment Ministers in the Americas, in their March 2001 meeting, established priorities which included developing national capacities to strengthen environmental laws and institutions, and implementation, compliance, and enforcement of those laws. *[See Regional Networks: Americas, page 10]*

**INECE 6th International Conference** Mark your calendars! The dates and location are now set for a *Sixth International Conference on Environmental Compliance and Enforcement*: April 15-19, 2002, in San José, Costa Rica. The nomination and selection process for invitees and program finalization are now underway. *[See INECE News, page 2]*

## INECE NEWS

### Costa Rica Set as Location for Sixth International Conference on Environmental Compliance and Enforcement

The Sixth International Conference on Environmental Compliance and Enforcement will be held April 15-19, 2002 in San José, Costa Rica. Klaus Töpfer, Executive Director of UNEP, has been asked to present the keynote address for the Conference, and the Costa Rican Minister of Environment, Elizabeth Odio, has been asked to deliver the opening address. INECE hopes to showcase many of the challenges and triumphs of Costa Rica and of colleagues throughout the Caribbean, South America, and Central America who have strong regional programs that enhance environmental law development, implementation, and enforcement. In addition, INECE wishes to provide Conference participants with a first-hand look at Costa Rica's environmental programs already in place, like the flag-award system for levels of performance from local industries such as coffee and banana growers.

As in previous years, the Conference will include plenary sessions to highlight examples of environmental enforcement and compliance progress worldwide, but will also focus on break-out sessions that allow open participation and exchange of ideas in order to foster ongoing professional support networks of groups and individuals with common interests and challenges. Exhibits on-site will emphasize country, regional, and global programs within governments, NGOs and International Organizations and will include compliance incentives and promotion, inspection and enforcement activities, training and implementation



*Photo © UNEP*  
**Klaus Töpfer,**  
*UNEP Executive Director*

materials, results reporting, information systems, and new technologies and their applications for compliance monitoring and detection of illegal operations under environmental laws.

Themes for the Sixth Conference include the following:

- a) enforcement for environmental results;
- b) harnessing communities, markets and government action for compliance (including shared responsibility among citizens; private sector involvement; government and judiciary; public accountability and information access and disclosure; and economic incentives);
- c) organizing for enforcement; assessing progress and priorities for capacity building;
- d) a global push for effective national level compliance and enforcement programs and mechanisms for cooperation and coordination to implement Multilateral Environmental Agreements (MEAs);
- e) advancing interlocking country, regional and global networking to utilize public support and market forces to strengthen compliance;
- f) advances in technology for compliance monitoring and detection of illegal operations; and
- g) making enforcement credible, efficient and effective.

Papers are currently being solicited for the Sixth INECE Conference Proceedings. For content and format guidelines, please see the INECE website at [www.inece.org](http://www.inece.org). The Conference program and themes may be adjusted in response to new ideas and topics brought to light from the papers submitted.

The process of nominating and selecting Conference participants is underway. The Executive Planning Committee (EPC) of INECE has already determined allocations for each country in order to balance the international representation and foster productive group discussions. Participants are selected based on their involvement in influencing the design and implementation of effective environmental compliance and enforcement programs worldwide. They are also required to speak English. Historically, the mix of attendees has included representatives from national and local governments and NGOs with a variety of responsibilities that may include compliance assistance and promotion, inspection/compliance monitoring/policing, law and enforcement response and prosecution. All interested parties are encouraged to provide their updated information and submit it for inclusion in the INECE databank. Please see the Contact Information form on Page 23 of this newsletter or visit the INECE website at [www.inece.org](http://www.inece.org).

*Make a note  
of the date:*

*April 15–19,  
2002*

*Costa Rica*

**INECE Executive  
Planning Committee  
Sets Course for the  
Future**

On May 14-15, 2001, the INECE Executive Planning Committee (EPC) held a meeting in Washington, D.C. that was hosted by the World Bank Institute. This was a pivotal meeting during which the EPC members broadened their individual and collective commitment to increase the impact and visibility of INECE activities.

The EPC worked to finalize the *Terms of Reference*, a mission statement, and a series of long and short term goals. The EPC committed itself to revising its multi-year workplan based on its newly

agreed mission and goals and to developing a strategic plan for the next three years. In addition, committees were formed to develop the program for the upcoming Conference and to guide the process of nominating and selecting Conference participants and future EPC members.

EPC members discussed the opportunity to promote environmental compliance and enforcement at the Summit of World Governments planned for September 2002 in Johannesburg. They endorsed the importance of country progress assessment and uniting INECE efforts as much as possible with existing assessment vehicles, such as those used by OECD. They also addressed and identified new sets of activities that could strengthen Public/Private Partnerships for compliance.

CIEL will continue to serve as the host NGO convener for the partnership. Durwood Zaelke, President of CIEL, will serve as the Director of the INECE Secretariat. The Dutch Ministry of Environment and the U.S. EPA will continue to provide experienced professional staff to support INECE activities.

### INECE Partnership Activities

One of INECE's greatest strengths is its ability to serve as a platform that facilitates and enhances the cooperative effort of its partners to promote effective compliance and enforcement worldwide. Since the last Newsletter, a number of INECE partners have worked together on some excellent capacity building and training efforts. The World Bank, the Bangkok and Mexico City regional offices of UNEP, the U.S. EPA, U.S.-Asia Environmental Partnership, U.S. Agency for International Development, Canadian International Development Agency (CIDA), Canadian Ministry of Fisheries and Oceans, Jamaica's Natural Resource Conservation Authority, and the Commonwealth Secretariat are among those who cooperated to:

- deliver inspector training in Asia;

- overview courses and case studies on applications of environmental enforcement via market instruments and public disclosure in developing countries in Africa;
- conduct judicial and prosecutor awareness symposia in the Caribbean; and
- develop networking and support programs for the judiciary in Asia.

[See [Regional Networks](#)]

### INECE Partners Advance Regional Networks

New regional networks have gotten underway in the Mediterranean. The UNEP/WHO Mediterranean Action Plan developed a Land Based Sources Protocol, and it held its first meeting to address environmental compliance and enforcement issues related to its recently developed Protocol. Caribbean networking is taking shape after holding several regional training and awareness building events. Under the auspices of UNEP regional units, networks of judges will provide ongoing awareness in new developments of environmental law including MEAs, issues of standing, and legal precedents. [See [Regional Networks](#)]

### Update on Status of Interactive Networking and Forums

INECE is continuing to enhance its website, adding interactive features and the forums and global resource centers described in Newsletter #3. Look for announcements and changes to the website at [www.inece.org](http://www.inece.org) over the coming months.

### WHAT IS INECE?

We are an informal network of over 1000 environmental enforcement practitioners from governmental agencies, NGOs and international organizations whose mission is:

- *To contribute to the delivery of a healthy and clean environment, sustainable use of natural resources and the protection of ecosystem integrity*
- *through effective compliance and enforcement of environmental laws*
- *using regulatory and non-regulatory approaches.*

### GOALS

In furtherance of our mission, we want to achieve:

- *Effective compliance and enforcement institutional capability and endeavours*
- *Effective interlocking networks at a national, regional and global level*
- *Raised awareness of the importance of environmental compliance and enforcement*

### ACTIVITIES

We have developed the following activities:

- *Informative website*
- *Regular publication of this newsletter*
- *Databank with practitioners from 105 countries*
- *International environmental compliance and enforcement conferences*
- *Inspector exchange programs*
- *Facilitating training initiatives*
- *Sharing knowledge through Forums*
- *Principles, guidelines, workshops*
- *Practitioner literature*

### CONTACT

For more information about INECE or our activities you may contact the Secretariat:

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## INTERNATIONAL HIGHLIGHTS

### UNEP's Environmental Law Program for the Next Decade: Montevideo Programme III

Compliance and enforcement is a priority of UNEP's strategic program on environmental law for the next decade. The program, widely known as Montevideo Programme III, was adopted at the 21st session of the Governing Council of UNEP/

Global Ministerial Environment Forum, held in Nairobi in February 2001. Past achievements under the Program include the development of global conventions on the ozone layer, transboundary movement of hazardous wastes, biological diversity, and information exchange on hazardous chemicals. In his message to the participants, Klaus Töpfer, Executive Director of UNEP, stated that "...the evolving framework of international

environmental law and the development of national law provide a sound basis for addressing the major environmental threats of the day." The Programme contains components designed to increase the effectiveness of environmental law and stresses issues such as implementation, compliance and enforcement. The programme also addresses capacity building; prevention and mitigation of environmental damage; avoidance and settlement of international environmental disputes; strengthening and development of international environmental law; harmonization and coordination; public participation; information technology; and innovative approaches to environmental law. The Center for International Environmental Law ([www.ciel.org](http://www.ciel.org)) serves as the Secretariat for the Montevideo III experts group. For more information about Montevideo Programme III, visit UNEP's home page at <http://www.unep.org>.

### UNEP Guidelines on Compliance with and Enforcement of Multilateral Environmental Agreements (MEAs)

The UNEP Governing Council Decision 21/27 on Compliance with and Enforcement of Multilateral Environmental Agreements, adopted on February 9, 2001, calls for UNEP to continue work on the guidelines to advance compliance with and enforcement of MEAs. The council also adopted an environmental law program for



*Global Ministerial Environment Forum, Malmö, Sweden, May 2000  
(Photo courtesy of and © UNEP)*

the next decade that was unanimously supported by international experts in environmental law, making implementation, compliance and enforcement its top priority. The Executive Director is requested to submit the guidelines to the Seventh Special Session of the Governing Council in 2002 for its consideration and possible approval. Two documents are located at the

UNEP website at [www.unep.org/depi/compliance-and-enforcement](http://www.unep.org/depi/compliance-and-enforcement).

The two drafts reflect the December 1999 meeting of experts as well as the result of a subsequent meeting of an advisory group of experts in November 2000. UNEP is soliciting official(s) designated to be

contacted during this guideline development process. As this is an ongoing process affecting enforcement practitioners the world over, comments and suggestions are welcome throughout the development of the guidelines. Contact Donald Kaniaru, Director, Division of Environmental Policy Implementation, at [donald.kaniaru@unep.org](mailto:donald.kaniaru@unep.org).

### Legislative Proposal on Criminal Enforcement in the EU

In an effort to achieve the ambitious goal of full compliance with European Union laws, the European Commission adopted a legislative proposal to reform environmental laws of member states in seven key policy areas (COM [2001] 139):

- discharging hydrocarbons, waste oils or sewage sludge into water;
- emitting hazardous materials into the environment, and the handling of hazardous waste;
- discharging waste onto land or into water;
- trade in protected species;
- significantly deteriorating a protected habitat;
- trade in ozone depleting substances; and
- operating plants in which dangerous activities are carried out or where dangerous substances are stored or used.

The Commission said that "there are still many cases of

severe non-observance... which are not subject to sufficiently dissuasive and effective penalties.” In order to open the way to tougher sanctions, the reform would give enforcement responsibility to the judicial authorities instead of to the administrative authorities in cases where individuals or firms breach the law by “intention or serious negligence” within these seven key areas. In addition, this reform would create an additional guarantee of impartiality to the enforcement process because, according to justice commissioner Antonio Vitorino, it is giving “responsibility for enforcing... environmental regulations to different authorities independent of those which grant... authorizations to pollute.” Each member state would determine the specific sanction, though the guidelines provide for stronger measures, like imprisonment and, if the member state agreed, greater scope for cross-border investigation of eco-crimes and even extradition of eco-criminals from one state to any other within the bloc. A copy of the proposal is on-line at [http://europa.eu.int/comm/environment/docum/01139\\_en.htm](http://europa.eu.int/comm/environment/docum/01139_en.htm). For more information on EU environmental policy visit [http://europa.eu.int/comm/environment/index\\_en.htm](http://europa.eu.int/comm/environment/index_en.htm). ■



*EU Environment Commissioner Margot Wallström (Photo courtesy of and © The European Commission)*

### **Enforcement Applications of New Technologies: Satellites**

The value of satellite imagery in environmental enforcement was discussed at a conference held on January 26, 2001 at The American University’s Washington College of Law. *A View from Space: Digital Earth Applications in Environmental Law and Resource Management* was sponsored by Environmental Legal Information Systems (ELIS), a project to provide environmental lawmakers with remotely sensed ecological data. ELIS is a joint project of the Center for International Environmental Law (CIEL), the University of Maryland-Baltimore County, the U.S. Library of Congress, and NASA’s Goddard Space Flight Center. Satellites have been monitoring changes in the Earth’s surface since 1972, and such imagery is already being used around the world to track illegal mining, waste disposal, chemical shipments and oil spills. There are numerous enforcement applications for remote sensing technologies, especially in cases where the regulated activities take place in areas that would otherwise be inaccessible or impractical to monitor. Enforcement agencies are using remotely sensed information from satellites to respond to environmental emergencies such as oil spills and in enforcement actions including assessing degradation to wetlands and the illegal discharge of asbestos. In addition, weather information from satellites has been

used by governments to discredit defenses for oil and gas accidents at sea. Enforcement officials in Italy recently applied this technology to track illegal dumping. In one example, they noticed from analysis of satellite images that a lake outside Naples had disappeared. The officials visited the scene and found that the water had been illegally filled with debris and waste. In addition, satellite tracking of oil slicks in the Mediterranean and the North Sea have also led to highly successful coordinated enforcement actions. Other applications discussed were coastline delineation and the allocation of nutrient loading in a watershed. For more information contact the Conference Chair, Kenneth Markowitz at [kjm@earthpace.com](mailto:kjm@earthpace.com) or visit ELIS at <http://www.earthpace.com/conference/confsumindex.htm>. [See Brazilian Oil Spill Pg. 21] ■

### **UNEP Workshop Encourages Military Organizations to Comply with Ozone and Climate Protection**

Military organizations have an important role to play in protecting the ozone layer and the climate system, according to a week-long workshop convened by UNEP, USEPA and others in Brussels, February 6-8, 2001. Military representatives reaffirmed their commitment to comply with the phase-out of ozone-depleting substances (ODS), as well as to strengthen “military-to-military” and “military-to-civilian” environmental cooperation and exchange technical and policy information. Use of ODS by the military is typically less than five percent of national ODS consumption. However, that small consumption is used for extremely critical applications necessary for national security and peacekeeping. Aircraft, tanks and other vehicles, ships, weapon systems and facilities all use ODS, many of which are for “mission-critical” uses. Military organizations in developed countries have eliminated almost all uses of ODS and have minimized emissions from most remaining applications. Most military organizations in countries with economies in transition, and developing countries, are just beginning to consider the ODS phase-out. The workshop concluded that it is critical that military organizations continue global cooperation, including internal and military-to-military workshops, to create awareness and to prepare for the ODS phase-out. Workshop participants learned how to safely halt the use of ODS, reduce emissions of greenhouse gases, and develop increased energy

efficiency. The workshop stressed the importance to national and regional environmental security of the phase-out of ODS and the protection of the climate. One hundred and sixty senior military officers, environmental authorities, technical experts and environmental non-governmental organizations (NGOs) from 33 countries attended the sessions. The participants noted that alternatives are not yet available to replace ODS in certain mission-critical military uses currently supplied from

existing ODS stockpiles and recycled sources. Participants urged flexibility regarding regulations on the use of stockpiled and recycled ODS that may be necessary if anticipated new technology is not available in time. Additionally, it was noted that existing halon banks have the potential to minimize halon production for critical uses in developing countries while encouraging best practices. For more information on the workshop visit <http://www.unepie.org/ozat/military/home.htm>. 🌱

## NATIONAL HIGHLIGHTS

### Fireworks Explosion in the Netherlands

On May 13, 2000 a fire broke out in a fireworks warehouse in the Dutch city of Enschede that produced a number of massive explosions. The fire and explosions destroyed an entire district and caused 21 fatalities (one person is still missing), injured 946 persons, and caused damages in the amount of \$400 million (U.S.).



*After the fire and explosions in Enschede, The Netherlands, May 2000  
(Photo © AP, Vincent Jannink/GPD)*

Under the management of the Public Prosecutor the Enschede, Police conducted a criminal investigation, assisted by The Environmental Intelligence and Investigation Team (MIOT) of the Dutch Inspectorate for the Environment. Members of the MIOT coordinated the investigation regarding the classification of fireworks and the municipal permits that were assigned to the fireworks. Research proved that the fireworks (made in China) were improperly classified under the UN fireworks guidelines. Because of this, some fireworks that were classified too lightly as 1.4G (UN-0336) should have been classified as 1.1G (UN-0333) — mass explosives — while the vast majority of the fireworks should have been classified as 1.3G (UN-0335). The permit issued only allowed the storage of 1.4G fireworks. A reconstruction has shown that the mass explosives (1.1G) initiated the major explosions, causing the 1.3G fireworks to react likewise. The investigation showed that the depots complied with neither the safety regulations designated in the permit, nor with the required safety distances derived

from the NATO guidebook (AASTP-1) that includes guidelines for munition depots. Based on this disaster the Dutch national legislation regarding the storage of fireworks has been changed. Contrary to the UN guidelines, the Dutch importer of the fireworks will be held responsible for the incorrect classification. Presently a uniform classification of fireworks is being formulated on an international level in accordance with the applicable UN guidelines. For more information contact the Dutch Inspectorate for the Environment: Ronald van der Vegt at [Ronald.Vegt@Chello.nl](mailto:Ronald.Vegt@Chello.nl). 🌱

### Foot and Mouth Disease (FMD) in The Netherlands

In March 2001 the first case of FMD, a highly contagious viral disease affecting practically all cloven-footed mammals, was diagnosed in the Netherlands — eventually, another 25 Dutch cases were diagnosed. The virus spreads easily, both by direct (animal-animal) and indirect contacts (e.g. animal-man-animal, through animal products, through vehicles, etc.). The coordination and

management of the standard scenario concerning veterinary disease control in a crisis is run by the Ministry of Agriculture, who also manages the crisis centre. At the Ministry of Environment a multidisciplinary Task Force was set up immediately, which mainly focused on the environmental issues caused by milk, manure and the destruction of animals. A plan of action in line with the European rules governing the control of FMD was soon set into motion. Immediately after the first outbreak, a 72-hour stand-still order for the whole of the Netherlands came into effect. All movements from and to livestock farms were prohibited, including transportation of feed materials, milk, manure, etc. This national measure was gradually relaxed, particularly in view of the animal welfare problems that developed. The Netherlands was divided into compartments; some transports were allowed only

within a compartment so that the damage was restricted in case of a problem.

All animals were slaughtered preventively within a range of two kilometers of the infected farms and the bodies were transported to Rendac, a special waste-processing factory, where they were destroyed. Feed materials and milk were treated to kill the virus, to prevent further spread of the disease. Also, a protection zone was established within a radius of three kilometers where all animals were examined for FMD. In the ten kilometer surveillance zone, transportation of susceptible animals was subject to a number of restrictions. As soon as more cases were diagnosed in the neighborhood of the first case, a larger area had to be put under supervision, which meant the animals of approximately 1,500 farms had to be slaughtered and destroyed.

Because the capacity of Rendac soon became insufficient, all animals within this expanded area were preventively vaccinated, awaiting future destruction. This also caused the accumulation of (suspected) infected milk and manure at these farms. Temporary dungpits, manure bags, and silos were constructed, and the products were also destroyed in waste-processing factories.

During the FMD crisis, the Dutch Inspectorate was tipped off about shipments to the UK of wooden railroad ties that would be used there as firewood for the destruction of slaughtered animals. Because these ties contained large amounts of polycyclic aromatic hydrocarbons (PAHs) that cause danger to the environment and public health when burnt incorrectly, a special permit was needed to transport them. Customs was immediately alerted and within the next few days several reports came in of suspicious shipments, and some shipments were sent back to Belgium after receiving a ticket. In the meantime, the Belgian authorities were contacted to avoid further shipments to the UK through the Belgian harbor of Zeebrugge. Due to the publicity in English newspapers about these developments, public pressure caused a ban in some areas of the UK on burning slaughtered animals instead of burying them.

By the end of May 2001, it looked like the virus was brought to a halt in the Netherlands. During the crisis about 260,000 cattle, pigs, sheep, goats and other animals were slaughtered and destroyed. This crisis will certainly hasten a broad discussion about the necessity and benefits of intensive farming in the Netherlands and the EU. For more information contact Romana Simoncelli at the Inspectorate for the Environment at [romana.simoncelli@minvrom.nl](mailto:romana.simoncelli@minvrom.nl) or 31-70-339-4609, or check the Dutch Ministry of Agriculture website at [www.minlnv.nl](http://www.minlnv.nl).

### **Developments in China's Pollution Levy System and New Penalty Scheme**

China's pollution control system charges a levy, also known as a compensation fee, when the pollutant's

emissions exceed the official standards. These levies vary across pollutants, industrial sectors and water bodies' function areas, according to the quantities and concentration of the pollutant released. It is not considered a fine for a legal violation, but it serves a similar function. External elements, like the economic development and environmental quality of a specific area, directly affect the actual collection of the compensation fee, which is not the same across all areas. The industries responded to the levy in two different ways: 1) intensity – reducing pollution in the process, or 2) degree – treating water pollution at the end of the pipe. [See <http://econ.worldbank.org/resource.php?type=5> for "Endogenous Enforcement and Effectiveness of China's Pollution Levy," Drs. Hua Wang and David Wheeler.] Dr. Wang estimates that the pollution control costs are about twice the effective charge rate of the compensation fee in China. This implied that higher fees are necessary to yield the desired results. [See [previous URL](#) for "Pollution Charges, Community Pressure, and Abatement Cost of Industrial Pollution in China," by Dr. Hua Wang.] The levy system, while still in place for waste and water discharge, has been repealed in the area of air quality. Under the new Air Pollution Prevention and Control Law, effective September 1, 2000, all air emissions are subject to a pollution fee, while those emissions exceeding the national standards are prohibited entirely. [See "Key Aspects of the 2000 Amendments to The Air Pollution Prevention and Control Law of the People's Republic of China," by Richard J. Ferris, Jr. and Hongjun Zhang, Ph.D., located at <http://www.bdlaw.com/archive.asp?id=3>.]

### **Thai Violators to Face Heavier Penalties; Harbor Authority Wants Share of Fines**

The Thai Harbor Department proposed an amendment to Article 119 of the Navigation Act that would increase penalties on waterway polluters, among them prominent hotels and factories. The proposal would also allow the Harbor Department to keep a share of the fines collected to defray the cost of waterway maintenance. Many hotels, restaurants and factories discharge waste, including oil, chemicals and waste water, into the Chao Phraya river in Bangkok, Nonthaburi and Samut Prakan because the penalties are low. Under current law, polluters are liable for a fine of 60,000 baht (\$1,300 U.S.) and/or three years in jail, but many hotel and factory owners avoid prosecution by having employees take the blame. In related news, the department is taking legal action against 41 riverside hotels, factories and restaurants for discharging untreated waste into the Chao Phraya.

### **Ireland's Successful Permitting Program**

Ireland's economic boom has not led to widespread environmental abuse by industry, which has been attributed to the Irish EPA's integrated pollution control licensing system. They have developed a single permit

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regime with each permit having varying conditions depending on the industry regulated and the circumstances. These variations result in as many as 500 conditions, covering every sector of the economy from agriculture to hazardous waste. Each licensee must have an environmental management system to deal with issues such as waste elimination. This permitting regime is coupled with a tiered enforcement program ranging from administrative notice to fines of up to £10 million (\$14,000,000 U.S.) and two years in jail; however, it is not only enforcement that has provided a high level of compliance. The environment unit also advises companies, arranges training, and notifies industries of what obligations will, or may, come about in the future. For more information on Ireland's environmental policies visit <http://www.epa.ie>. ■

### **Iranian Law Provides Standards and Incentives**

The Third Five Year Development Plan Law of the Islamic Republic of Iran was adopted by the Islamic Consultative Assembly (Parliament) on April 6, 2000 and confirmed on the same date by the Council of Guardians of the Constitution. This new Iranian law requires selected industries to adopt new technologies that will reduce the level of pollutants and protect the natural environment. In return, the expenses for these technologies incurred by these industries are tax deductible. Any industry that does not comply with the regulation will be subject to fines, the proceeds of which will be dedicated to environmental conservation and restoration. In addition to these general environmental regulations, the law also deals with both air pollution in Tehran and environmental impact assessment for large-scale projects. *Information summarizing "Iran: Legal Briefs," prepared by the Tehran law firm Tavakoli & Shahabi found in the 1/19/01 issue of MEED Q. Rep. - Iran was used in this article.* ■

### **New Renewable Resources Legislation in Australia**

Draft legislation by the Ministry of the Environment in Australia would require all power utilities to generate 12.7% of electricity from renewable sources. The goal of this legislation is to reduce the nation's dependence on fossil fuel and increase the development of renewable energy sources. The Ministry hopes to stimulate investment in the field, which will help Australia become a leader in the renewable energy industry. If the policy is adopted, any company that does not meet the target by April 2001 will be fined. For more information on Australian environmental policy visit [www.environment.gov.au](http://www.environment.gov.au). ■

### **An Update on Legionnaire's Disease in the Netherlands**

By the end of the year 2000, the "Temporary Regulation on Prevention of Legionnaire's Disease in Tap Water" and a modification of the "Decree on Hygiene on Safety in

Bathing and Swimming Facilities" became effective. The legislation is focused on prevention of contamination of water with the microbes that can cause this disease in public water systems (e.g., hospitals, hotels, camping sites) and whirlpools in public swimming and bathing facilities. Within a year, proprietors have to inventory the risks involved, take measures to meet the general requirements for water-pipes and, if necessary, draw up a management plan.

The Dutch Inspectorate for the Environment has been appointed to supervise compliance with the law. Because of the large number of installations (600,000), the water suppliers will do the actual checks and report any suspicious situations to the Inspectorate, and based on these reports, enforcement measures will be taken by the Inspectorate.

The Ministry of Environment will start a study concerning the implementation of these regulations, giving special attention to hotels and health centres. The Minister will report on the study in April 2002. At the beginning of 2001, a report was published on methods and disinfectants that are available to prevent the growth of the microbes. The Dutch Minister has indicated that in the case that thermal control measures are not usable or effective, methods that do not add toxic substances to the water (e.g. anode oxidation, membrane filters, pasteurization and ultraviolet light) are strongly recommended from an environmental point of view. For more information, contact the Dutch Inspectorate for the Environment: Bert Groen at [bert.groen@IMH-N.DGM.minvrom.nl](mailto:bert.groen@IMH-N.DGM.minvrom.nl). ■



## EUROPE

### Network for Implementation and Enforcement of Environmental Law (IMPEL)

#### Conference on Environmental Compliance and Enforcement

The *IMPEL 2000 Conference on Environmental Compliance and Enforcement*, which took place on October 11-13, 2000 in the Congress Center Villach (Carinthia, Austria), offered for the first time the opportunity to present IMPEL to approximately 160 participants from the European Commission, the IMPEL Secretariat, the Member States and the Accession Countries. The aim was to raise public awareness as well as to discuss and evaluate the role of IMPEL. Throughout the conference, the IMPEL Market Place was open with two internet plug-in stations to inform the participants about IMPEL activities and products. The most important findings of the conference were summarized in the Conclusions – a document presented and discussed in the Final Session with a strong recommendation to foster and strengthen the network on a national and regional level within the EU and the Accession Countries. Their conclusions were forwarded to the IMPEL Meeting in Paris in December 2000, where they were adopted. The results of this conference are published in the final report available online at [http://europa.eu.int/comm/environment/impel/conference\\_report.pdf](http://europa.eu.int/comm/environment/impel/conference_report.pdf).

#### Workshops

IMPEL hosted a TFS workshop May 7-9, 2001 in Belfast. The annual Conference on lessons learned from accidents took place June 12-13, 2001 in Reims. IMPEL conducted a subsequent general meeting in Falun, Sweden, June 18-20, 2001.

#### Changes in Industrial Operations

The practices of authorities responsible for controlling changes in industrial operations were outlined in a recent report issued by IMPEL, "Changes in Industrial Operations." The aim of the project was to provide basic insight into these practices from the point of view of environmental protection. The overall objective was to discover

good practices in supervision and control of changes by focusing on the authorities handling these changes. This report describes the requirements of the IPPC directive (Directive on Integrated Pollution Prevention and Control, 96/61/EC), which requires that the competent authority be responsible for regulating changes in operation. Article 2 (10) (a) and (b) of the directive defines two types of change – change in operation and substantial change. In accordance with Article 12 (1), all changes in operation of an installation that may affect the environment requires a competent authority to take action, if necessary, by updating the permit or the conditions. Moreover, in accordance with Article 12 (2), a permit is required for a substantial change. The permit application must cover all of the affected parts of the installation. Member States use different mechanisms for regulating changes in operation; also, the authorities' interpretations vary concerning the extent of the changes in operations. The report is available online at <http://europa.eu.int/comm/environment/impel/changes.pdf>.

#### Meeting Summary

A summary of the proceedings of the 16<sup>th</sup> IMPEL meeting held in Paris on December 6-8, 2000 is available online in English at <http://europa.eu.int/comm/environment/impel/conclusions16.pdf>.

### NISECEN Creates New Work Program and Web Site

NISECEN's work plan for 2001-2003 reflects the priority recommendations of the *Survey of Current Practices in Environmental Enforcement and Compliance Promotion in the NIS*, and aims at:

- raising visibility and support from policy makers, at both national and international levels;
- institutional improvements, especially clarification of roles and responsibilities;
- SWOT analysis of environmental permitting and feedback to policy makers to develop such a framework, which would favor credibility among the




*NIS Economic/Finance and Environment Ministers, Almaty, Kazakhstan, October 2000 (Photo courtesy of and © OECD Environment)*

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regulated community and make better use of scarce human and financial resources;

- setting up more effective compliance control through prioritization, better defined inspection criteria and refined performance assessment; and
- elaboration of compliance promotion tools to build a closer partnership with the civil society.


NISECEN will provide tools and best practices in these priority areas. The mechanism of implementation includes information and staff exchange, preparation of analytical studies and working papers, training programs, regular meetings, etc. The development and implementation of donor demonstration projects in individual countries are envisaged to achieve real changes on the ground. For more information about NISECEN visit their new website at <http://www.oecd.org/env/eap/nisecen/index.htm>. 

### EAP Meeting

The Task Force for Implementation of the Environmental Action Programmes for Central and Eastern Europe (EAP) held its twelfth meeting in October 2000 and published a report entitled *Environmental Compliance and Enforcement in the NIS: A Survey of Current Practices of Environmental Inspectorates and Option for Improvements*. The EAP is part of the Organization for Economic Cooperation and Development (OECD). The survey, as well as the conclusions, is based on the responses provided to a comprehensive questionnaire by environmental authorities from the NIS. The results of the meeting of the NIS environmental inspectors in September 1999 have also been incorporated. Since neither extensive research nor in-depth analytical work had been carried out in preparing the survey, it does not pretend to be exhaustive or complete. The report was intended to provide a general framework for enforcement and compliance efforts on the basis of experience of the OECD countries, present a general overview of practices of enforcement institutions in the NIS, and identify the areas in need of further work. The report begins with an

overview of the principles of environmental enforcement. It goes on to focus on the structure of enforcement institutions and their relations with stakeholders in the NIS as well as compliance control and enforcement responses in the region. Finally, it gives an assessment of the effectiveness of current enforcement programs and recommendations for promoting compliance in the NIS. A pdf version of this report is available at <http://www.oecd.org/env/eap/docs/NIScompliance.pdf>. 

### MAP-INECE: Mediterranean Network for Environmental Compliance and Enforcement First Meeting

On March 15-17, 2001, in Sorrento, Italy, the informal Mediterranean network for environmental compliance and enforcement had its second meeting under the auspices of the UNEP/MAP (United Nations Environment Programme/Mediterranean Action Plan), as part of the cooperative efforts of 20 countries in the region to implement the programme for the assessment and control of pollution in the Mediterranean region (MED POL Programme). The meeting was held within the framework of the Protocol for the protection of the Mediterranean Sea against pollution from land-based sources and activities (LBS Protocol), and the primary focus was on environmental inspection systems. During the meeting, the participants had the opportunity to share reports about the level of inspection systems in their countries and exchange information and experiences on practices, strategies and policy measures at the local, national, regional and international levels to achieve compliance with and enforce regulations for land-based pollution control. As a result of this second meeting, the network formulated means and focus for future assistance for capacity building and drafted the possible contents for guidelines for environmental inspections and inspectorate institutional capacity. This last document likely will be a framework guideline supplemented with annexes from which the countries can select the most appropriate elements. Contact George Kamizoulis at [whomed@hol.gr](mailto:whomed@hol.gr). 

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## AMERICAS

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### Environment Ministers of Americas Communiqué Cites Importance of Compliance and Enforcement

Compliance and enforcement was an important theme at the meeting of the Environment Ministers of the Americas held in Montreal, Canada on March 29–30, 2001. The two-day meeting brought together Environment Ministers from 33 nations and more than 100 other representatives from governments, international organizations, and United Nations agencies. The meeting provided a forum for debate among the ministers of environment in order to develop key messages to be forwarded to the Third Summit of the Americas, which was convened on April

20-22, 2001, in Quebec City, Canada. The meeting was structured according to three key themes: 1) the challenge of environment management in a changing hemisphere and the need for innovation; 2) environment and health: understanding the linkages; and 3) conservation of biodiversity in healthy ecosystems. In addition the Ministers stressed “the importance of building national capacity to develop and strengthen environmental laws and institutions and for environmental law implementation, compliance and enforcement, and will work together to combat unlawful international activities that harm the environment.” The Summit of the Americas Action Plan also stressed compliance. It calls on the Nations of the

Western Hemisphere to promote the adoption, implementation and enforcement of national legislation, regulations, standards and policies that provide for high levels of environmental protection. For more information on the meeting of the Environmental Ministers visit <http://www.iisd.ca/sd/ema>. For additional information on the Summit of the Americas, including the full text of their declaration and plan of action, visit <http://www.americascanada.org/events/summit/menu-e.asp>. 🌱

### **North American Wildlife Enforcement Group (NAWEG)**

On September 27-28, 2001 the NAWEG and the NACEC will host a 2-day conference on "In Search of Better Avenues for Public Participation," in Washington, DC. This conference will afford an opportunity for government officials and citizen groups to exchange information, views and ideas for existing and potential avenues for citizen participation in wildlife enforcement. In addition to an overview of domestic systems for wildlife enforcement in Canada, Mexico and the United States, a series of panel discussions will explore barriers and opportunities for effective public participation, transboundary enforcement concerns, and existing models for public involvement with case study presentations from across North America. For more information regarding this conference contact Ignacio González at the CEC at 1-514-350-4324 or [gonzalez@ccemtl.org](mailto:gonzalez@ccemtl.org).

During the meeting of the Trilateral Committee for Wildlife and Ecosystem Conservation and Management in Ottawa, Canada in April 2001, NAWEG held its first program planning meeting of 2001 and gave approval to the topic of "Enforcement Issues Regarding Invasive Alien Species" for its trilateral training workshop in 2002. This workshop will be held in Canada and will involve enforcement officers and experts in invasive species from the three North American countries.

In October 2001 the CEC and NAWEG will sponsor a two-day training seminar on illegal CFC smuggling for Customs Officers and justice officials from Canada, Mexico and the United States. This training will take place in Mexico City and trainers will include government officials from the three countries. For more information, contact Ignacio González (see phone & e-mail above). 🌱

### **North America's CEC Enforcement Working Group Promotes Environmental Management Systems**

On September 7, 2001 in Montreal, Quebec, the CEC, the EWG and Transport Canada will host a one-day workshop on Environmental Management Systems in the Air Transport Sector. This seminar will immediately precede the 2001 World/North American Conference and Exhibition of Airports Council International. This event will highlight new government programs to promote effective environmental management systems in the three



*Environment Ministers of the Americas, Montreal, March 2001 (Photo courtesy of and © Int. Institute for Sustainable Development)*

North American countries as well as the CEC Guidance Document on *Improving Environmental Performance and Compliance: 10 Elements of Effective Environmental Management Systems* but will also focus on the experience of airlines and airport authorities with such systems. For more information on NAWEG contact Darlene Pearson at the CEC at 1-514-350-4334 or [dpearson@ccemtl.org](mailto:dpearson@ccemtl.org). 🌱

### **Chile's Environmental Legal Defense System**

The newly established Centro Austral de Derecho Ambiental (CEADA) in southern Chile's Region 10 is taking the leadership to provide environmental defense in public interest cases. Based in Puerto Montt, CEADA is uniquely positioned to assist in the design and implementation of strategies promoting the legal and political empowerment of people in southern Chile. Fifty-four percent of Region 10 in southern Chile is covered with old growth forest, which is being threatened by illegal logging and the influx of multinational timber companies. CEADA was created to defend the natural resources of southern Chile — the forests, waterways, and marine fauna of the region. Region 10 has the second highest number of proposed development projects submitted to government agencies, just behind metropolitan Santiago, Chile's capital. For more information, contact ELAW at [elawus@elaw.org](mailto:elawus@elaw.org). 🌱

### **International Environmental Law Conference in Brazil**

On June 4-7, 2001 the 5<sup>th</sup> International Conference on Environmental Law was held in Sao Paulo, Brazil. The Conference addressed the future of pollution regulation and enforcement. Concurrent to the International Conference, the 6<sup>th</sup> Brazilian Conference on Environmental Law will address specific issues relevant to the Brazilian experience. For more information about the conference contact Antonio Benjamin at [planet-ben@uol.com.br](mailto:planet-ben@uol.com.br). 🌱

### **Eastern Caribbean States Commit to Take Actions to Enforce Environmental Laws**

On April 10, 2001 the Ministers of the Environment Policy Committee of the Organization of Eastern Caribbean

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States (OECS), including seven countries and two territories, signed the St. George's Declaration of Principles for Environmental Sustainability in the OECS. This document represents the commitment of the OECS to take the necessary actions to achieve the goal of sustainable development: achieve development goals in ways that ensure a healthy environment for present and future generations. This declaration speaks of principles that provide a framework through which all the environmental documents signed in the past for OECS countries can be implemented by the Member States. Complementing this document, the OECS Environmental Management Strategy which is also under development will identify the specific types of actions that are necessary to implement the Declaration and the results to be achieved with these actions, including the national capacity to achieve compliance with and enforcement of environmental laws.

### **Symposium for Judges and Prosecutors in St. Lucia**

In April 2001 at Glencastle, Castries, St. Lucia, INECE partners sponsored the Caribbean Judicial Symposium on Environmental Law and Sustainable Development for judges and prosecutors from 17 English-speaking countries in the region. The discussion was focused on judicial issues affecting the enforcement and compliance of environmental law, including environmental issues related to sustainable development; trade; civil liability; enforcement mechanisms; procedural law; judicial cooperation; and the role of different international organizations in enforcement and compliance of the environmental regulations. The participants also had the opportunity to present and discuss the development,

status and application of environmental laws in their countries. By sharing information, they provided a basis for future networking, which should enable more effective compliance with and enforcement of environmental laws. At the end of the Symposium the "Castries Resolution" was adopted, in which the justices, prosecutors and others attending the Symposium, acting in their personal capacity, resolved to pursue the stated objectives. They pledged to: 1) promote their effective participation in the enforcement of the laws for the protection and conservation of the environment, 2) encourage networking on these matters, 3) make suggestions and recommendations to their respective governments to consider the creation of environmental courts, 4) develop programs for sustained environmental education for regulators, health officers and investigators, 5) encourage broad-based social awareness among the public, parliamentary councils, magistrates and others about the importance of preserving the environmental integrity and compliance with regulations, and 6) secure compliance with and develop environmental laws and institutions. The symposium was jointly organized by the Commonwealth Secretariat, the UNEP regional office in Mexico City, the World Bank Institute, Canadian International Development Agency, United States Agency for International Development, and the Caribbean Environmental Health Institute, under the efficient coordination of Jamaica's Natural Resources Conservation Authority. The symposium was in response to a need identified throughout the region for increased environmental awareness on the part of judges and prosecutors, and was part of an ongoing effort on the part of these institutions to build capacity in this field. Contact Fred Campbell via email at [fcampbell@nrca.org](mailto:fcampbell@nrca.org).

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## **ASIA AND PACIFIC**

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### **Inaugural Session for Thai Law Forum Promotes Enforcement for Rule of Law, Sustainable Development and Role of the Judiciary**

The *Thai Environmental Enforcement and Compliance Forum* in Bangkok on January 31, 2001 was initiated by Thailand's Ministry of Science, Technology and Environment (MoSTE) Pollution Control Department as a mechanism for engaging governmental agency officials, public prosecutors, non-governmental organizations, and the private sector in a dialogue to advance environmental law, enforcement, and public participation principles. The first session invited leading judges from the region to comment on the status and nature of efforts to uphold environmental law in South and Southeast Asia. The Ministry of Science, Technology and Environment, with the support of the World Bank, U.S.-Asia Environmental Partnership (US-AEP) and INECE, have been developing

innovative legal and regulatory enforcement strategies that build on international experience.

The impetus for change in Thailand is based in part on institutional reforms mandated by the new Thai Constitution. Enacted in 1997 in the wake of a financial crisis, the Constitution grants citizens an increased role in environmental decision-making, access to government information, and the right to bring lawsuits against the government for failing to complete its duties. Thailand faces many serious environmental challenges, as rapid economic growth over the last three decades has been achieved with substantial environment costs. More than one third of all surface water is considered unfit for human consumption or agricultural use, nearly half of the forest cover has been lost, and health damages from air pollution in Bangkok alone cost \$500 million per year.

The *Forum* provided an opportunity for Thai practitioners and experts to share ideas with overseas counterparts on a range of issues, including the role of the judiciary. Other justices who shared their experiences included the Chief Justice from the Supreme Court of Sri Lanka, the Philippines Supreme Court, and the Administrative Environmental Appeals Board Judge from the U.S. Environmental Protection Agency (EPA). During a period of unprecedented judicial activism, the India Supreme Court established a “Green Bench,” a responsive mechanism for hearing public interest litigation that set an example for courts and lawyers worldwide. The message from these eminent jurists was clear: the judiciary plays a pivotal role in deterring polluters and inspiring government accountability by vigorously enforcing environmental laws. The Thai Supreme Court Justice discussed the current status of Thai environmental law, pointing out that courts, which are instinctively cautious when treating new areas of law, were applying traditional notions of proof and legal standing in environmental cases.

Also joining the meeting to share their experiences were prominent public interest and environmental lawyers from Asia and the U.S., who have argued and won major landmark cases that have had significant impacts on environmental law and environmental conditions. While the more practical aspects of enforcing environmental law dominated the discussion, one point upon which all agreed was the unique position of the judiciary in helping to establish an ethic within the society as a whole on the importance of the environment. In all countries, courts enjoy a special position that allows them, through their decisions, to prick the conscience of both the government and citizens. Bringing together high court justices and lawyers to share their experiences provides an important basis for continued collective thought, and action, on meeting environmental challenges. Contacts: INECE EPC Member Sirithan Pairoj-Boriboon, Thailand; Watcharee Limanon and Paul Violette, World Bank ([paul\\_violette@hotmail.com](mailto:paul_violette@hotmail.com)).

### **UNEP Creates Advisory Panel of Eminent Judges in Asia to Shape Program Following Judges Forum Held in Thailand**

Following back-to-back meetings of the National Judges Forum for Thailand and UNEP, an Advisory Panel of Eminent Judges was created in February 2001. Drawing participation from around the world, the meeting establishing the panel was attended by Supreme Court Justices from Sri Lanka, Thailand, India, and the Philippines, a senior Administrative Environmental Appeals Board Judge from the U.S., and a former Judge and Vice-President of the International Court of Justice at The Hague, as well as representatives of the Hanns Seidel Foundation, JICA, GTZ and the Embassies of Australia and The Netherlands. The purpose of the panel is to provide advice and guidance for UNEP’s judicial capacity building work in the Asia-Pacific region. In addition to these activities, the Hanns Seidel Foundation

has agreed to fund four National Judges Training Programs in Asia during 2001. It is expected that the advisory panel will help to generate further interest in environmental capacity building of judges in the region and bring on board partners like INECE, US-AEP, and the World Bank Institute, to develop and carry out judges training programs in the region and beyond. For more information contact Lal Kurukulasuriya at [kurukulasuriya@un.org](mailto:kurukulasuriya@un.org).

### **First INECE Partnership on Distance Learning for Inspector Training in Asia**

On November 13-17, 2000 about 25 Thai officials representing various divisions in the Pollution Control Department participated in a five day distance learning course focusing on Basic Instructor Training and the Fundamentals of Environmental Compliance Inspections. The goal of the course was to strengthen compliance and enforcement with environmental laws by empowering inspectors. The interactive course was the first of several inspector training courses developed and conducted by the World Bank Institute in collaboration with INECE. Course content included the roles and responsibilities of inspectors, ethical considerations, effective inspection planning strategies, the use of evidence, and effective inspection reports. It concluded with a brief discussion about the difference between inspections and criminal investigations. Additionally, the course was delivered in China and Vietnam as well. For more information about distance learning courses developed by the World Bank Institute visit their website at <http://www.worldbank.org/wbi> or <http://www1.worldbank.org/disted/> or contact Adriana Bianchi via email at [abianchi@worldbank.org](mailto:abianchi@worldbank.org).

### **Southeast Asia Regional Inspector “Train the Trainer” Program to be Launched in Malaysia**

A regional inspector-training course was conducted, July 24-29, 2001 for all countries in Southeast Asia as part of INECE partnership activities. It served to foster regional networking and cooperation and strengthen environmental compliance and enforcement. The course participants were trained using international inspector training materials and course facilitation materials delivered and developed by experienced inspectors from the U.S. EPA in partnership with Malaysia’s Department of Environment-Office of Enforcement, with sponsorship from the U.S.-Asia Environmental Partnership. The course will be followed by a “Train the Trainer” session in The Philippines in September 2001 for those participants selected to serve as core trainers within their countries and within the region as a whole. The course materials include a facilitator’s manual, audio-visual aids, and training exercises and materials. Information on this event was shared with countries from the region using USAEP and INECE partner contacts. Contacts: Davis Jones, [jones.davis@epa.gov](mailto:jones.davis@epa.gov) and INECE EPC Members Hashim Daud and Aziz Rasol, [aziz\\_rasol@jas.sains.my](mailto:aziz_rasol@jas.sains.my), Malaysia.

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## **AFRICA and WEST ASIA**


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### **Distance Learning on Environmental Compliance and Enforcement Training in East Africa**

In November 2000 the World Bank Institute held its second distance learning session in environmental enforcement in cooperation with INECE partners for three nations: Ghana, Uganda and Tanzania. This was followed by a second session April 23-May 3, 2001 which was organized and delivered by the World Bank Institute in collaboration with the U.S. EPA. It was a six-session distance-learning course designed to enhance the understanding of the challenges and opportunities of Environmental Compliance and Enforcement in East Africa. The objective of the course was to strengthen the capacity of policy makers, industrial and NGO practitioners, and academic/media representatives to enforce environmental laws and increase the levels of compliance in Ethiopia, Ghana, Tanzania, and Uganda. The major topics covered during the training included the principles of environmental compliance and enforcement, transparency and review of environmental legislation, practical application of economic instruments, voluntary agreements and public disclosure, inspector training, and

sharing successful country case studies. The innovative course, conducted at World Bank Institute Distance Learning Centers in the respective countries, utilized video-conferencing and internet technologies to facilitate real time interaction between colleagues in the East African countries. For more information about distance learning courses developed by the World Bank Institute visit their website at <http://www.worldbank.org/wbi> or <http://www1.worldbank.org/disted/> or contact Adriana Bianchi via email at [abianchi@worldbank.org](mailto:abianchi@worldbank.org). 

### **African Compliance and Enforcement Regional Networks: CLEIAA and SAIEA**

The World Bank is supporting a number of African-based capacity building initiatives that include environmental compliance and enforcement. The initiatives include the establishment of two networks, Capacity Development and Linkages for EIA in Africa (CLEIAA) and the South African Institute for Environmental Assessment (SAIEA). The goal of the initiatives is to build and support networks to strengthen environmental compliance and enforcement in the region by facilitating a forum for sharing relevant experiences, creating a sub-regional resource center, and developing a partnership between donors and stakeholders. For more information about these initiatives contact Arne Dalfelt at [adalfelt@worldbank.org](mailto:adalfelt@worldbank.org) and INECE EPC member Peter Acquah, Ghana, at [epaed@africaonline.com](mailto:epaed@africaonline.com). 



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## **RECENT PUBLICATIONS**

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### **World Watch's State of the World 2001 Highlights the Challenges of International Environmental Enforcement**

The failure to enforce many existing international environmental agreements is hampering global environmental progress, according to WorldWatch Institute authors Hilary French and Lisa Mastny, in their chapter on "Controlling International Crime" appearing in *State of the World 2001*. They point out that international failure to enforce many existing environmental agreements is hampering global environmental progress. They focus on environmental crimes, such as poaching, illegal fishing, and illegal dumping, to show the ecological danger that results when countries are unable or unwilling to enforce international environmental law. Specifically, they look at the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the London Convention regulating ocean dumping, the MARPOL convention restricting releases from ships, the Basel Convention on the control of transboundary movements of hazardous wastes, and The Montreal Protocol on substances that deplete the ozone layer.

They found that each of these treaties have had similar successes and failures. The chief problems cited in the report were inconsistent, incomplete or outdated country reports, corruption, and inadequate infrastructure and resources for enforcement agencies. They call for more involvement of NGOs, stronger enforcement of treaties, and for increased North-South cooperation, particularly among the environmentally and economically influential "E9" countries (China, India, the United States, Indonesia, Brazil, Russia, Japan, South Africa, and the European Union). For more information on this report visit <http://secure.worldwatch.org/cgi-bin/wwinst/>. 

### **Report on Intergovernmental Actions on Illegal Logging Offers Recommendations for Strengthening Enforcement**

The Energy and Environment Programme of the Royal Institute of International Affairs in London, England, has issued a new report entitled *Intergovernmental Actions on Illegal Logging: Options for Intergovernmental Action to Help Combat Illegal Logging and Illegal Trade in Timber and Forest Products*. This report presents a brief

overview of the range of options for intergovernmental action to help combat illegal logging and trade in illegal timber and forest products. It offers the following specific recommendations for strengthening enforcement in producer countries.


***Special Enforcement Units:*** Special enforcement units, connected directly to top management and bypassing district and regional bureaucracies, have had a positive record in gathering intelligence, performing market surveillance, pursuing allegations of corruption, and prosecuting corporate investigations. In Malaysia, for example, a relatively effective task force has been set up by the police, Anti-Corruption Agency, Forestry Department, and the Army. Private transnational industrial surveillance companies can also be used, with the additional advantage that they will lose a lucrative contract if irregularities are demonstrated. Société Générale de Surveillance (SGS), an international verification group, has been called in to monitor customs departments and increase revenue collection, in a number of countries, including Cameroon, Ghana, Indonesia and Malaysia.

***Increase Resources:*** Enforcement efforts often fail because forestry staff are inadequately trained, equipped and paid. Improved enforcement should follow from investment in resources, including transport.


***Improve Information and Tracking:*** A wide range of options are available for improving the information available to enforcement agencies: accurate chain-of-custody tracking systems for accounting and inventory control, which may include the use of tagging, bar-coding and transponder technologies; registers of logging equipment (chainsaws etc.); mandatory registration of processing and harvesting facilities with central government authorities; and research to identify bottlenecks in trade where controls can most effectively be applied.

***Develop Novel Enforcement Methodologies:*** Forestry enforcement agents from producing countries can be assisted to disseminate and share enforcement experiences. Novel enforcement methodologies such as the use of UV-sensitive dyes, transponders, etc., can be developed and promoted. Remote imaging technologies can be employed – in December 1999, for instance, NASA launched two environmental satellites (LANDSAT 7 and EOS TERRA) that should allow routine production of accurate forest maps and monitoring of some aspects of concession management. [See also ***Enforcement Applications of New Technologies: Satellites on page 5.***] The upcoming June 2001 Forest Law Enforcement Conference in Asia, sponsored by the World Bank, provides an ideal opportunity to disseminate these new enforcement methodologies. [See ***Thai Law Forum article under Regional Network News: Asia, on page 14.***]

***Contact Independent Information:*** Processes can be set up to allow field observation and intelligence from independent monitoring to be relayed through appropriate

government and enforcement agencies. Independent monitoring by local communities and NGOs can support and empower civil society and promote greater transparency in investment decisions. In many important producers, established networks of local and international NGOs already exist and can be further promoted and developed. The full report can be seen at <http://www.riia.org/Research/eep/Illegalloggingfinalreport.pdf>. For more information visit the Energy and Environment Programme of the Royal Institute of International Affairs at <http://www.riia.org/Research/eep/eep.html>. 

### **The OECD Environmental Outlook**

At the beginning of the 21st century, OECD countries are taking stock of their natural resources and evaluating the damage that is being done to the environment. They are also examining the actions that can be taken to ensure a clean, healthy and productive environment to pass on to future generations. The *OECD Environmental Outlook* provides economy-based projections of environmental pressures and changes in the state of the environment through 2020. Drawing on an analysis of the economic, social and technological forces driving environmental change, this report provides projections to 2020 of environmental pressures from key economic sectors (agriculture, forestry, fishery, transport, energy and selected industry sectors) and changes in the state of the environment for selected environmental issues (freshwater, biodiversity, climate change, air quality and waste). Cross-sectoral issues are also examined, such as human health and the environment, the social and environmental interface and resource efficiency. Finally, the *OECD Environmental Outlook* assesses the underlying institutional frameworks for the environment and identifies and examines the economic and environmental effects of concrete policy packages to address the main problems identified. The *Outlook* draws on extensive economic and environmental data and analysis of the OECD; the Pressure-State-Response framework forms the backbone of the analysis. The key findings of the report are summarized using traffic lights. These include a number of “red light” issues that need to be addressed urgently by OECD countries, but also “yellow lights” which require further investigation or some action, and “green lights” for which OECD countries should proceed with caution. The “red lights” identified for OECD countries regarding the state of the environment include climate change, urban air quality, biodiversity, fish stocks, groundwater quality and chemicals in the environment. More information on the work of the OECD in the field of the environment is available on [www.oecd.org/env](http://www.oecd.org/env). Purchasing information can be found at <http://electrade.gfi.fr/cgi-bin/OECDBookShop.storefront/>. 

## ENFORCEMENT HIGHLIGHTS

### WILDLIFE CONSERVATION AND PROTECTION

#### ***Caviar Smuggler Pleads Guilty***


On March 30, 2001 a man pleaded guilty in U.S. District Court, Eastern District of New York, for attempting to smuggle caviar with a value of \$2.5 million into the United States, according to Tom Healy, special agent in charge of law enforcement for the U.S. Fish and Wildlife Service in the Northeast. "This was the single largest seizure of caviar – 1,700 pounds – since trade controls went into effect three years ago," Healy said. The osetra caviar and sevruga caviar, less expensive than the more well known beluga caviar, were in a container with dried fish and labeled to match the rest of the shipment, according to Healy. Service special agents and inspectors discovered the illegal shipment in July 2000 at the Port of Newark. The smuggler faces a maximum of five years in prison and a \$250,000 fine for violating the Lacey Act. Sentencing was scheduled for July 2001. The Lacey Act authorizes criminal fines of up to \$20,000 and imprisonment up to 5 years per violation, for any person or vessel subject to the jurisdiction of the United States to import, export, transport, sell, trade, receive, acquire or purchase any fish, plant, or wildlife taken in violation of any regulation, treaty, Tribal law, foreign law, or U.S. law. It is difficult to prove a violation of the Lacey Act, since the law requires that the Customs Officer must observe the vessel fishing or taking wildlife illegally and can demonstrate that this was an intent or attempt to deliver the product to a U.S. port. Declines in sturgeon fish populations prompted member nations of the Convention on International Trade in Endangered Species to initiate trade controls in 1998. Companies dealing in caviar must obtain export permits certifying that the fish were taken legally and that trade represents no threat to the survival of wild populations. Permits must correctly identify the fish species and the country where the fish were caught. For more information contact the Office of Law Enforcement at the U.S. Fish and Wildlife Service at <http://www.le.fws.gov/>.

#### ***South Africans Sentence Turtle Smuggler***

A South African court sentenced a German citizen to eighteen months imprisonment or a fine of R10,000 (\$1625 U.S.) for violating the Western Cape Nature Conservation Ordinance (Ordinance 19 of 1974). Specifically, he was arrested for exporting Angulated Tortoises or "Chersina angulata" (listed in Appendix II of CITES) without the necessary permits. His conviction comes after an incident in 1997 when Cape Nature Conservation confiscated two parcels at Cape Town International Airport: one contained 15 Cordylidae girdled lizards, and the other contained five Angulated Tortoises. Both packages were addressed to the defendant, who, together with his alleged accomplices, had left South Africa by the time the parcels were discovered. He was arrested following an investigation by

the South African Endangered Species Protection Unit (ESPU), Cape Nature Conservation, and the Northern Cape Nature Conservation. Owing to lack of evidence, his companions were not prosecuted. For more information on the illegal wildlife trade visit [www.traffic.org](http://www.traffic.org).

#### ***Illegal Oyster Harvest Led to Prison and Fines***

After a three-year investigation that included grand jury testimonies, two people with a now defunct Louisiana seafood company have been sentenced to jail time and fines. They were sentenced for illegally harvesting and selling oysters and violating the Lacey Act [see ***Caviar Smuggler Pleads Guilty***, [this page](#)]. Their sentences were pronounced on January 25, 2001 by Federal District Judge James Trimble of the Lake Charles Court. The owner of the company was sentenced to 30 months in jail and a \$1,400 Crime Victims assessment (a fund in Louisiana that aids crime victims). His daughter and the bookkeeper for the company were sentenced to 37 months in jail and a \$1,500 Crime Victims assessment. The inactive company was fined \$5,000. In an eight-day jury trial in August 2000 the owner was also convicted of 13 of 14 felony Lacey Act violations, while his daughter was convicted of 15 of 16 felony Lacey Act violations, and was found guilty of obstruction of justice for turning over known false records to law enforcement agents and to the grand jury. The number of violations for which they were convicted corresponded with the number of non-resident dealers they utilized. Through subpoenas to various employers, numerous records showed oyster fishermen who were working other jobs at the time and could not have fished oysters or sold them for the company. Some fishermen admitted that they did take over limits at the company owner's request and sold them to him. They also said they did not know whose tags were placed on any of the over-limit sacks. Although most of Calcasieu Lake is closed to oyster fishing because of pollution, agents learned that fishermen did fish in the closed areas of that lake. In the past, state citations had been issued to some members of the same family for fishing in closed areas. The company owner also had previous state citations for failure to keep records and for improperly tagging oysters. For more information contact the Office of Law Enforcement at the U.S. Fish and Wildlife Service at <http://www.le.fws.gov/>. 

### CHEMICAL REGULATION

#### ***Peru Sues Over Mercury Spill***

A sizeable spill of over 151 kilograms of mercury occurred in June 2000 in northern Peru's Cajamarca department. The spill was from a truck commissioned by a major gold mine in Peru and led to mercury poisoning symptoms and hospitalization for many of the local residents affected by the spill. None of the residents were informed about the spill. Peru's Ministry of Mining and Energy and the Ministry of Justice and Labor have already fined the company \$500,000 (U.S.) for the incident and are

pursuing legal action to seek recovery of damages for the residents affected, since they are not entitled to redress with the initial funds from the government fines. The mine has a local owner as well as the World Bank's International Finance Corporation, whose study of the incident is assisting the government and local citizens in pursuing the action. For more information visit Consejo Nacional Del Ambiente (in Spanish) at <http://www.conam.gob.pe/index.htm>.

### **Many Hospitalized in Romania After Cyanide Spill Kills Fish**

Twenty-one adults and 79 children have been hospitalized after eating fish from the Siret River in Romania, which was tainted by cyanide when workers emptied a vat of the poison into a tributary of the river because they wanted the vat for scrap metal, according to a January 24, 2001 report from Agence France Presse (AFP). The patients suffered from nausea and vomiting, and several turned blue in the face, as is common in cyanide poisoning cases. The January 17, 2001 incident was caused by salvage workers at the Falticeni-based Metadet Co., a now-bankrupt detergent firm in northeast Romania whose industrial wastes have fouled the Siret tributary Somuzul-Mare, according to Radio Free Europe/Radio Liberty (RFE). Cyanide concentrations of as much as 130 times the normal level killed thousands of fish. To compound the problem, some of the fish were sold in nearby markets to local Romanian families. Police have seized approximately 200 kilograms of dead fish, and hospital officials in the northeastern city of Iasi said the children's ward is "overwhelmed" with patients. Romania was at the center of a huge cyanide scare last year when cyanide-tainted water overflowed from a gold mining center in Baia Mare, contaminating the Tisza River in Romania and Hungary, and causing what has been termed the worst European environmental disaster since Chernobyl. For more information contact the Romanian Environment Ministry, [biodiv@mappm.ro](mailto:biodiv@mappm.ro), or the



*Greenpeace protestors at Baia Mare mine, March 2000 (Photo courtesy © Greenpeace/ Jeremy Sutton-Hibbert)*

Baia Mare Task Force, [env-danubetf@cec.eu.int](mailto:env-danubetf@cec.eu.int). Visit the Bulgarian Ministry of Environment & Water website at <http://www.moew.govrn.bg>.

### **Denmark Reports Progress Enforcing Chemical Regulations**

The Danish EPA's Chemical Inspection Service is raising penalties for those who violate chemical legislation. In 1999 these efforts resulted in higher fines for those who did not comply with classification and labeling regulations. Typically, fines of DKK5,000 to 10,000 (\$600-1,200 U.S.) are imposed, but there have been exceptions. A company was fined DKK25,000 (\$2,800 U.S.) for adding epoxy to a product without changing the label. Another company was fined DKK50,000 (\$5,700 U.S.) for selling chemicals without Danish warning labels. In 1999, the Chemical Inspection Service completed 182 reporting cases — of these, 59 dealt with cosmetic products, and in 37 cases it emerged that the legislation had not been violated. In 1999, the Danish EPA won 18 cases after reporting them to the police. Eleven cases dealt with pesticides or herbicides. For more information visit the Danish Environment & Energy on-line newsletter at [http://www.mex.dk/uk/default\\_uk.asp?nyhedsbrev\\_id=29](http://www.mex.dk/uk/default_uk.asp?nyhedsbrev_id=29).

### **Scandinavian Countries Create Network for Chemical Inspection Authorities**

In 1999 the Chemical Inspection Services of Denmark, Norway, Sweden, Finland, and Iceland joined to form a network with a coordinated inspection staff. The CIS also

participates in CLEEN, the Chemical Legislative European Enforcement Network, working to enhance compliance with EU chemical regulations. A summary of the CIS's 1999 report is available on-line in English at <http://www.mst.dk/news/02060000.htm>.

### **HAZARDOUS WASTE**

#### **Malaysian Government Fines Firm for Dumping**


The Malaysian State Department of Environment, with the help of the Police, Fire and Rescue Services Department began to crack down on illegal dumping in December 2000. Two companies were fined RM15,000 (\$4,000 U.S.) and RM75,000 (\$20,000 U.S.) respectively after pleading guilty, and another was fined RM50,000 (\$13,000 U.S.) for open burning. It also began an enforcement investigation into the alleged dumping of more than two tons of toxic waste at a landfill outside Malacca. The factory in Ayer Kero, suspected of the dumping, faces a fine of up to RM500,000 (\$130,000 U.S.) and/or a five-year jail term upon conviction. Cases are still pending against four other companies. For more information visit the Malaysian Department of Environment at <http://www.jas.sains.my/doe/egfirst.htm>.

#### **Israeli Firm Fined for Ocean Dumping**

An Israeli company was fined NIS125,000 (\$30,000 U.S.) in February 2001 by the Haifa Magistrates Court for polluting the sea with untreated toxic wastes from its plant in Haifa. The fines stemmed from lawsuits filed against the company by Environment Minister Dalia Itzik over three incidents in 1998, in which the company released vast quantities of untreated oil and effluent through drainage pipes directly into the sea. The waste material then spread onto the local seashore, polluting public beaches. In its ruling, the court said it took into account the fact that the company admitted to the offense. The judge also required Israel Military Industries

to post a NIS200,000 (\$48,000 U.S.) bond, to be forfeited if the company commits any similar offense in the next two years. For more information visit Israel's Ministry of Environment page at <http://www.environment.gov.il/stage2-en.htm>.

### **Australian Contractor Pleads Guilty and Pays for Dumping**

On February 19, 2001 a Penrith-based contractor was fined AU\$1.6 million (\$828,479 U.S.) after pleading guilty to dumping 125 tons of clay containing small-arms ordinance on a housing estate in 1997 to escape landfill charges. The New South Wales Environment Protection Authority was alerted by local residents. Eight families affected by the toxic dumping shared AU\$1 million (\$517,799 U.S.) in compensation for future loss of value if the residents sell their properties. Over \$550,000 (\$284,789 U.S.) was spent by the contractor in site remediation and landscaping. For more information visit <http://www.epa.nsw.gov.au/media/0201/prosjkwills.htm>. 

## **AIR QUALITY**

### **Dutch Enforcement Actions on the Use of CFCs in Cooling Systems**

From earlier studies carried out by the Dutch Inspectorate for the Environment it appeared that not all Dutch companies were fulfilling the necessary requirements deriving from the legislation on the use of CFCs. As a result, the Inspectorate carried out a full-scale inspection plan in the year 2000.

Based on the preliminary survey, a list of 114 companies was drawn up who seemed to be using thirty kilograms or more of the CFCs R11, R12 or R502 for their refrigerating systems. These companies included auction rooms, cold stores, meat-packing industry, supermarkets and bakeries. The inspection results indicated that 65 companies were complying with the regulations — their refrigerating systems were fully leakproof, the required logbooks were

available and the obligatory preventive checks had been carried out on time. But 49 companies were not fully compliant. In some cases, the violations were minor (missing log books, etc.), but there were more severe violations: systems that were leaking up to 80% of their volume on a yearly basis, or obligatory leakage inspections which were not carried out in a timely fashion. In the cases with serious shortcomings, criminal measures were taken. Twenty-five companies (22% of the companies inspected) received a ticket from the Inspectorate, and fines were set by the Public Prosecutor — one company paid a fine of \$16,000 (U.S.).

From a joint inspection by the Dutch Inspectorate for the Environment and the Shipping Inspectorate during 1999, it appeared that refrigerating systems on ships were leaking approximately 50% (merchant marine) and 80% (fishery) of their coolants on a yearly basis. Some ships were even leaking the entire capacity of their refrigerating system (up to 10,000 kilograms) as often as 6 times a year. In order to reduce these figures, stringent enforcement, international cooperation and improved cooperation between both government bodies are essential.

As of January 1, 2001 there is a ban on the use of CFCs in all member states of the EU (EU-regulation no. 2037/2000) in producing or servicing refrigerating systems. It is therefore, even more necessary for the municipalities, the provinces and the Inspectorates to continue these kind of inspections in 2001, especially in the food industry, cold stores, garages (for air conditioners in cars) and air conditioning systems in local government offices. An additional plan of action with measures to tackle the emission of CFCs within the shipping industry will be presented to the Dutch parliament shortly. For more information you can contact the Dutch Inspectorate for the Environment: Mr. Nico Peeters at [nico.peeters@IMH-Z.DGM.minvrom.nl](mailto:nico.peeters@IMH-Z.DGM.minvrom.nl) or Mr. Chiel Bovenkerk at [chiel.bovenkerk@IMH-Z.DGM.minvrom.nl](mailto:chiel.bovenkerk@IMH-Z.DGM.minvrom.nl).

### **Three Oil Refinery Companies Fined in U.S. Air Quality Program**

On March 21, 2001 the EPA and the Department of Justice announced a settlement that commits nine refineries to an ambitious program to assure compliance with major provisions of the *Clean Air Act*. The companies expect to spend a total of \$400 million over eight years to reduce emissions of nitrogen oxides (NO<sub>x</sub>) by an estimated 8,000 tons per year, sulfur dioxide (SO<sub>2</sub>) by more than 49,550 tons per year, and particulate matter by 1,300 tons per year. The consent decree provides for a limited pool of emission reductions that can be used to expedite production of clean fuels to meet "Tier II" and low sulfur diesel standards that begin to take effect in 2004. These provisions, which will help eliminate clean fuel production bottlenecks that could shrink supply and raise prices, are subject to review by state and local permit authorities. This is the third settlement in a federal strategy for achieving cooperative across-the-board compliance with U.S. refining companies. Last year the federal government reached similar settlements with two of the nation's largest oil refiners. When combined, the three agreements cover nearly 25% of total U.S. refining capacity. For more information, including copies of the consent decrees, visit <http://es.epa.gov/oeca/ore/aed/motiva.html>.

### **Hong Kong Proposes New Stricter Penalties for Mobile Source Air Pollution**

A proposed amendment to the Fixed Penalty (Criminal Proceedings) Ordinance would raise the level of fixed penalty for excess smoke from a motor vehicle from \$60 to \$130 (U.S.). The current fine for air pollution, which carries the same penalty as relatively minor traffic offenses, was set in 1994. Apart from raising the level of the penalty, the law would also implement measures to enhance the deterrent effect. Under the Smoky Vehicle Control Program, smoky vehicles spotted by trained spotters must pass a smoke test administered by the

Environmental Protection Department (EPD) within a specified period. Those failing the test will have their licenses cancelled. In previous years the EPD has issued 26,700 (1997), 31,800 (1998), and 37,800 (1999) emission testing notices. To enhance the effectiveness of the program, the EPD has introduced chassis dynamometer smoke tests for light-duty vehicles since September 2000. The EPD plans to extend the use of chassis dynamometer to medium and heavy-duty vehicles undergoing the smoke test later this year. Since April 2000 the Police have been provided with 12 portable smoke meters to help step up their enforcement work. In 1997 and 1998, the Police issued about 1,100 and 1,600 fixed penalty tickets against smoky vehicles, while in 1999 about 5,100 penalty tickets were issued. In the first four months of 2001, approximately 2,000 penalty tickets were issued. Smoky vehicles caught by the Police would be issued with a fixed penalty ticket and referred for a follow-up smoke test within a specified period. The Police have also been carrying out joint roadside operations with EPD against smoky vehicles. 🌱

## WATER QUALITY

### **Thai Factories Closed**

After inspecting over thirty factories in Mae Sot the Thai government ordered the temporary closure of three factories for discharging waste water into public waterways and emitting toxic smoke. The order came after consultations between a Senate environment panel, local community leaders, and concerned authorities. A tripartite panel was set up to monitor the clean-up work and each of the three factories faces permanent closure if they fail to correct their problems within one month. Many local residents claimed to be suffering ill effects from water and air pollution as a result of the factories' practices. The mayor of Mae Sot, Therdkiat Chinsoranant, pledged that no new factories would be allowed in the municipal area and that his administration would crack

down against all polluters. *Information from the Bangkok Post was used in this article.*

### **French Court Fines Hong Kong Shipping Firm**

A French criminal court fined a Hong Kong shipping company and a Sri Lankan captain \$85,000 (U.S.) for conducting an illegal deballasting operation in the international waters of France, creating an offshore maritime pollution incident in 1999. The prosecutor in the case also demanded that the court issue a similar fine against a Romanian captain of a Panamanian vessel accused of a similar incident in April 2000. The Romanian captain and his employer face fines of up to \$142,000 (U.S.). The cost of an environmentally sound hull-cleaning operation averages about \$28,500 (U.S.). For more information visit the French Ministry of the Environment's web page at <http://www.environnement.gouv.fr/> or <http://www.tdgoods.com/Articles/article138.htm>. 🌱

## OIL SPILLS

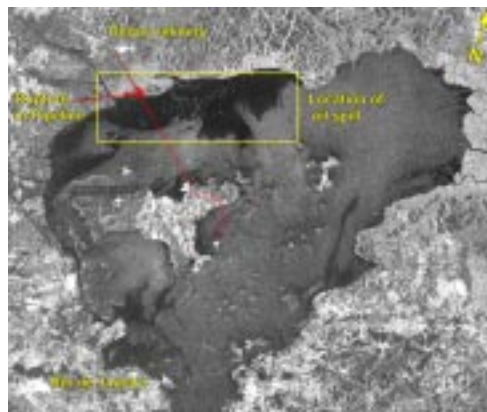
### **Brazilian Oil Company Fined**

In January 2000 an underground pipeline running from a refinery to a terminal on an island in Rio de Janeiro's famed Guanabara Bay spilled 1.3 million liters of fuel oil into the bay. Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis (IBAMA), the federal government's environmental protection agency, fined the refinery

company \$27.8 million (U.S.) for that spill. This is the largest fine ever paid by a Brazilian polluter. In another incident later that year, a worker forgot to open a pipeline valve just outside a refinery in southern Parana state as crude oil from a tanker was being pumped through the pipeline to a refinery storage tank. The greatly-increased oil pressure inside the pipeline caused it to rupture, spilling 4 million liters of oil into a nearby river. IBAMA fined the company \$83 million (U.S.) and the Parana state environmental protection agency fined the company an additional \$28 million (U.S.), bringing the total fine to \$111 million (U.S.). The company is challenging the fines. After that refinery accident, a company spokesperson said it would speed up implementation of a four-year, \$1.8 billion (U.S.) program, aimed mainly at preventing refinery spills by improving refinery pipeline safety. Virtually none of the fine was earmarked for monitoring the safety of offshore oil rigs, even though serious accidents on company rigs are common. For more information visit IBAMA's web page (Portuguese only) at <http://www.ibama.ov.br> or the BBC News story at [http://news.bbc.co.uk/hi/english/world/americas/newsid\\_621000/621397.stm](http://news.bbc.co.uk/hi/english/world/americas/newsid_621000/621397.stm).

### **Pipeline Spill Results in Record Fine**

A U.S. corporation will pay the largest civil fine ever imposed on a company under any federal environmental law to resolve claims related to more than 300 oil spills from its pipelines and oil facilities in six states, the Justice Department and the U.S. EPA announced. A settlement filed in January 2001 requires the company to pay a \$30 million civil penalty, improve its leak-prevention programs and spend \$5 million on environmental projects. Complaints filed in 1995 and 1997 allege that the company unlawfully allowed some 3 million gallons of crude oil and related products to leak from its pipelines into ponds, lakes, rivers and streams, or onto adjacent shorelines, from 1990 to 1997. Most of the spills were



*RADARSAT photo 12 hours after the oil spill in Guanabara Bay*  
(Photo © Canada Centre for Remote Sensing)

caused by corrosion of pipelines in rural areas. The government alleges that the company could have prevented the corrosion by proper operation and maintenance. Under the settlement, the company must assess the condition of 2,500 miles of pipeline that it currently operates and repair any defects. The settlement also requires



*One of the oil-spill response barges stationed in Glacier Bay, Alaska (Photo courtesy of and © ADEC)*

them to implement an improved leak-prevention and detection program, a maintenance and inspection program, and a training program aimed at preventing leaks from the company's pipelines. The company also must hire an independent auditor to audit the company annually for at least three years and report to the federal government and Texas on whether the company is meeting the requirements of the settlement and applicable laws. In addition to changing its operations, the company also must spend a total of \$5 million on environmental projects in the states most affected by its illegal discharges. Additional information and a copy of the settlement are available at <http://es.epa.gov/oeca/ore/water/koch>.

### **TOURISM**

#### ***Alaska Reaches Settlement with Cruise Ship Industry***

The State of Alaska and the cruise line industry reached a settlement designed to bring the industry into compliance with the State's broader environmental policies. Current law does not require the ships to maintain oil-spill contingency plans that are mandated for oil tankers, but cruise ships carry as much as 400,000 gallons of fuel each. Under the agreement, the cruise ship industry will maintain a fleet of spill-recovery barges in Glacier Bay National Park.

In addition, the industry will undergo random testing of the treated wastewater they dump and they will explore cleaner technologies such as

gasoline-fired turbines rather than diesel-powered turbines. The agreement with the state will not affect an ongoing federal enforcement action. On February 29, 2000,

the US EPA brought an action against six cruise lines for allegedly violating air standards. For more information visit the Alaska Department of Environmental Conservation at <http://www.state.ak.us/local/akpages/ENV.CONSERV/press/cruise/wgoil.htm>. Information from the 5/11/2000 issue of the Wall Street Journal was used in this article.

### **CITIZEN & NGO ENFORCEMENT**

#### ***Peruvian Environmental Group Sues Argentine Oil Company***

The Peruvian environmental group Alternativa Verde began legal action in October 2000 against an Argentine oil company for an October 3, 2000 oil spill on the Marañon river in northeastern Loreto department, after a barge carrying 7,000 barrels of oil sank at the company's Saramuro terminal, local press reported. Alternativa estimates that Peru will suffer about \$20-50 million (U.S.) in natural resource damage due to the spill. The company and Peru's Energy & Mining Ministry have violated a number of international standards by permitting oil transport on 10-20 year-old barges. Efforts to raise the barge were unsuccessful and the company is therefore unable to determine the precise amount of oil spilled, although company estimates put the

spillage at around 5,000 barrels. The Energy and Mining Ministry could fine the company \$400,000 (U.S.). Information from the 10/11/00 issue of Oil Daily was used in this article.

### **SOLICITING ARTICLES/ THEMES FOR FUTURE NEWSLETTERS**

We are soliciting articles relevant to the INECE network, as well as contributions on particular themes. Basic format for the Newsletter will remain the same with Regional Network news, Citizen and NGO enforcement, Recent publications and Enforcement Highlights. Proposed themes for the next newsletter include

- Public/private partnerships
- The World Summit on Sustainable Development (Rio+10)
- Using liability regimes to ensure compliance
- Inspector training and exchange programs
- Related networks and sources of information
- Highlights of country programs/enforcement Successes

*Disclaimer: While we make every effort to ensure timely and accurate articles, we cannot guarantee accuracy. Readers should contact original sources before they rely on this information. This document conveys no rights or privileges in connection with any of the members of the Executive Planning Committee, their organizations, INECE Associates or sponsors of INECE.*

# Contact Information for International Network for Environmental Compliance and Enforcement

Please return by fax to: 1-301-946-8984

Name (Dr./Mr./Mrs./Ing./Hon.): _____	
Title: _____	
Organization: _____	
Department: _____	
Telephone: _____	Fax: _____
E-Mail: _____	
Address: Street: _____	P.O. Box: _____
City/State: _____	Country: _____
<b>Type of Organization (circle one):</b> Government: National, State/Province, Municipal; Police    NGO: National, International, Academic	
<b>Professional Area (circle):</b> Policy, Management, Legal, Technical, Academic	<b>Media Specialty (circle):</b> Multi-Media, Air Pollution, Water Pollution, Natural Resources, Toxic Chemicals, Drinking Water, Waste, Pesticides, Other _____
<b>Relevant Responsibilities:</b>	
<b>Relevant Professional Expertise/Experience:</b>	

## I. Willing to Contribute

- \_\_\_\_\_ Contribute news items to Newsletter.
- \_\_\_\_\_ Make a link with existing INECE home page.
- \_\_\_\_\_ Respond to inquiries about country or organization programs and experience.
- \_\_\_\_\_ Prepare a paper for publication: \_\_\_\_\_
- \_\_\_\_\_ Participate in International Networking by:
  - \_\_\_\_\_ Engaging in an ongoing dialogue on a special topic.
  - \_\_\_\_\_ Participating in or hosting a regional meeting.
  - \_\_\_\_\_ Supporting a regional project: e.g., training, information exchange, etc.
  - \_\_\_\_\_ Consider or respond to requests for information, assistance.

## II. Interest in Receiving Information

- \_\_\_\_\_ Please place me on the Newsletter Mailing List.
- Conference Proceedings and technical documents are available on the internet or can be requested in hardcopy from INECE.*

## III. Preferred Means of Communication

E-mail \_\_\_\_\_ Mail \_\_\_\_\_ Fax \_\_\_\_\_ Telephone \_\_\_\_\_ Periodic Meetings \_\_\_\_\_

INECE

1367 Connecticut Avenue, N.W.  
Suite 300  
WASHINGTON, DC 20036  
USA

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NUMBER STREET ADDRESS  
CITY, STATE POSTAL CODE  
COUNTRY

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ASSOCIATE WEBSITES

INTERNATIONAL ORGANIZATIONS

INTERPOL

<http://www.interpol.int/>

World Customs Organization (WCO)

<http://www.wcoomd.org/>

UNDP

<http://www.undp.org>

UNEP

<http://www.unep.org>

Org. for Economic Cooperation and Dev. (OECD)

<http://www.oecd.org>

The World Conservation Union (IUCN)

<http://www.iucn.org>

Commonwealth Secretariat

<http://www.thecommonwealth.org>

NON-GOVERNMENTAL ORGANIZATIONS

World Wildlife Fund (WWF)

<http://www.worldwildlife.org>

Foundation for Int'l. Environ. Law and Dev. (FIELD)

<http://www.field.org.uk>

Center for Int'l. Environmental Law (CIEL)

<http://www.ciel.org>

Environmental Law Institute (ELI)

<http://www.eli.org>

Environmental Law Alliance Worldwide (ELAW)

<http://www.elaw.org>

AMERICAS NETWORKING

FIDA/Organization of American States  
(CCAD)

<http://www.oas.org>

<http://www.sicanet.org.sv/ccad/index%20ingles.htm>

Comm. for Environ. Cooperation (CEC)/NAWEG

<http://www.cec.org>

Caribbean Environ. Health Institute (CEHI)

<http://www.cehi.org.lc>

UNEP – Caribbean Regional Coordinating Unit

<http://www.cep.unep.org>

Inter-American Development Bank

<http://www.iadb.org>

EUROPE NETWORKING

IMPEL

<http://europa.eu.int/comm/environment/impel/>

AC-IMPEL see above

NIS-ECEN

<http://www.oecd.org/env/eap/nisecen/Partnership.htm>

Mediterranean Action Plan UNEP/WHO

<http://www.unep.org>

Regional Environ. Ctr. for Central & East. Europe

<http://www.rec.org>

ASIA AND PACIFIC NETWORKING

Assoc. of South East Asian Nations (ASEAN)

<http://www.asean.or.id>

South Pacific Reg. Environ. Programme (SPREP)

<http://www.sidsnet.org/pacific/sprep>

Asia-Pacific Center for Environ. Law (APCEL)

<http://sunsite.nus.edu.sg/apcel>

Asian Development Bank

<http://www.adb.org>

US-Asia Environmental Partnership (US-AEP)

<http://www.usaep.org>

AFRICA NETWORKING

African Development Bank

<http://www.afdb.org>

CEDARE

<http://www.cedare.org.eg>

UNEP – African Regional Network

<http://www.unep.org>

African Network on Environmental Law

<http://www.nesda.org>