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WHAT IS INECE?

INECE is an informal network of over 2500 environmental enforcement practitioners from governmental agencies, NGOs and international organizations.

MISSION

INECE's mission is to contribute to 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

INECE's Goals are to strengthen institutional capacity for effective compliance and enforcement; develop effective interlocking networks at the national, regional and global level; and raise awareness of the importance of environmental compliance and enforcement.

MEASURING ENFORCEMENT TO PROMOTE SUSTAINABLE DEVELOPMENT

As the global environmental community gathers in South Africa for the World Summit on Sustainable Development (WSSD) and related events, there is a growing awareness that good governance is essential to sustainable development. The "rule of law", in turn, is central to good governance. However, there can be no rule of law without effective and consistent enforcement, as treaties, laws and regulations become meaningless unless they are respected and enforced. How national, regional and international stakeholders measure the effectiveness of environmental enforcement programs is therefore critical to achieving sustainable development.

In the thirty years since the Stockholm Declaration, despite advances in environmental law-making, significant environmental degradation continues unabated around the world. This is due in large part to ineffective or nonexistent enforcement.

In 1992, the drafters of *Agenda 21*, Chapter 8, recognized the important role of enforcement and mandated the strengthening of national and international enforcement capacity. Furthermore, *Agenda 21* noted that traditional environmental indicators were not adequate and called for the development of mechanisms to evaluate the effectiveness of national and international enforcement programs. Yet a decade after *Agenda 21* there are no indicators to measure the effectiveness of environmental enforcement.

In response to this need, the International Network for Environmental Compliance and Enforcement (INECE) is developing a process for creating and evaluating model enforcement indicators, based on uniform minimum criteria, that can be used to measure the effectiveness of enforcement at the national, regional, and international levels. This special edition of the INECE Newsletter focuses on the development of these environmental enforcement indicators.

FEATURED IN THIS ISSUE:

Improving Environmental Governance: The Need for Enforcement Indicators provides an account of how enforcement indicators will strengthen governance by promoting accountability, equity, transparency, and the rule of law. (page 2)

Developing INECE Enforcement Indicators provides an overview of the process for creating and evaluating enforcement indicators at the national, regional and international levels. (page 5)

Environment Canada develops performance indicators that will link new enforcement programs to improvements in environmental quality. (page 10)

Sixth International Conference Statement and Call to Action outlines INECE's role in the global effort to strengthen national and international environmental compliance and enforcement. (Back cover)

IMPROVING ENVIRONMENTAL GOVERNANCE: THE NEED FOR ENFORCEMENT INDICATORS

There is growing concern over the current state of environmental governance at both the national and international levels. Effective enforcement strengthens governance by promoting accountability, equity, transparency, and the rule of law. Shortcomings in enforcement undermine environmental governance, despite growing evidence of the economic and ecologic benefits of meaningful enforcement. As such, there is a clear and urgent need for an internationally agreed upon mechanism to measure progress toward achieving sustainable development goals in a manner that responds to discrepancies in implementing and enforcing environmental laws. In response to this need, INECE will develop a set of indicators dedicated to environmental enforcement.

Sustainable Development Governance

Sustainable development encompasses a wide range of thematic issues including poverty, inequality, education, development, environmental protection, and depletion of natural resources, yet it relies on good governance to translate these goals into reality.

Governance, simply put, is the exercise of political, economic, and administrative authority in order to manage society's affairs. According to the United Nations Development Program, governance consists of the "mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences."¹ This concept encompasses more than the traditional notion of government (i.e. the state), as nongovernmental organizations, international agencies, corporations, and individuals all play an important role in good sustainable governance.²

Central to good governance is the rule of law. If a society commits itself through law to a course of action, it is required to follow through. If it does not, faith in the law and, indeed, the entire society is undermined.

Implementation, Compliance, and Enforcement of the Law

The global community may pass volumes of laws and treaties but this means little if the words do not translate into action. Indeed, "ensuring compliance with the many rules of a modern society is one of the principle functions" of governance.³ Implementation, enforcement and compliance are therefore all integral to good governance.

Implementation refers to the steps a state must take to implement commitments made in international agreements and national policies. This can take the form of new laws, new programs, or the recognition of new rights afforded individuals. Compliance occurs when an actor in a regulated community meets the requirements of a given law, policy, or regulation. Enforcement refers to actions taken to achieve compliance.

Benefits of Enforcement

Enforcement has the obvious benefit of protecting specific thematic areas such as air, water, land, and other natural resources. Yet the very process of applying those policies has benefits beyond environmental protection to governance throughout a society. Regular, fair, open, and effective enforcement reinforces the credibility of environmental protection efforts

generally and the legal systems that support them. It does this by promoting the rule of law. Members of society "see" that there are consequences for certain proscribed behaviors and that these consequences will be applied to everyone in a fair, timely, and consistent manner.

In addition to the advantage of equality, consistent enforcement also reduces risk in investment decisions. Individuals and businesses know the rules and how they will be applied. The cost of complying with environmental policies can therefore be included in the business plan. Contrast this with a scenario where enforcement is erratic or nonexistent. Investors are forced to speculate how, or even whether, a policy will be

applied to their project. This makes it difficult, if not impossible, to obtain liability insurance, depreciate long-term compliance costs, or convey accurate earnings projections to the financial markets

Enforcement can bring other economic benefits to individual facilities and to society. Evidence is accumulating that the cost of complying with environmental laws is, in most cases at least, outweighed by the benefits, including improvements in public health and critical ecosystem services such as flood control and water purification. This important information needs to be more widely understood to counter the fear that environmental enforcement means higher costs and lower competitiveness.

The European Commission released an important report in 2001 showing that the cost to the group of 13 accession countries of complying with the EC's environmental "acquis communautaire", while considerable, would be equal to or less than the direct benefits, even using the low end of the benefit estimates, and even without including several key environmental benefits.⁴

Further evidence is provided in the Global Competitiveness Report 2001-2002. Dan Esty from Yale Law School and Michael Porter from the Harvard Business School report that "there is no evidence that higher environmental quality compromises economic progress." In addition, "preliminary evidence suggest[s] that countries with stricter environmental regulations than would be expected at their level of GDP per capita enjoy faster economic growth."⁵

Even so, the distribution of benefits and costs makes collective political action a challenge, with many costs incurred up front by a small number of firms, and many benefits accruing later to a broader and diffuse community.

Nevertheless, this favorable cost-benefit ratio must be more widely known and appreciated by policy makers, business leaders, and civil society.

Another critical fact, which is even less appreciated, is that environmental compliance is cost effective at the level of the firm as well. "Superior environmental performance will be rewarded in the long run in most industries and in national development.... Both theory and an emerging body of empirical evidence on the topic show that under most circumstances, improved environmental performance should improve a number of aspects



of firm competitiveness, especially in developing countries,” according to Lawrence Pratt in a paper prepared for the Inter-American Development Bank.⁶

Agreement that Enforcement Is Important

The Rio Earth Summit in 1992 recognized the important role of enforcement in Agenda 21. Chapter 8.21 established an international mandate to build enforcement capacity as an essential element of environmental management.

In the decade since Agenda 21, international and regional organizations have reiterated the importance of enforcement. At the international level the United Nations Environment Program launched several initiatives dealing with these issues. The Programme for the Development and Periodic Review of Environmental Law for the First Decade of the 21st Century (“Montevideo III”), approved in 2001, is designed to increase the effectiveness of environmental law and stressed enforcement. More recently, UNEP adopted guidelines for enforcement at both the international and national level.⁷

Regional cooperation has also increased in recognition of the importance of these issues. In 1991, the European Network for the Implementation and Enforcement of Environmental Law (IMPEL) (<http://europa.eu.int/comm/environment/impel/>) was created to act as an informal network of environmental authorities of EU member states to promote the exchange of information and experience and the development of a greater consistency of approach in the implementation, application and enforcement of environmental legislation. Later, AC-IMPEL was created to benefit the 12 candidate countries for membership of the EU. Working in close cooperation with IMPEL, AC-IMPEL’s main role is to support countries to meet their environmental legislative obligations, specifically in terms of implementation and enforcement.

In 1993, the North American Agreement for Environmental Cooperation (<http://www.cec.org>) recognized the need to “enhance compliance with, and enforcement of, environmental laws and regulations” (Article 1(g)) and led to the creation of projects including the North American Working Group on Environmental Enforcement and Compliance Cooperation (EWG), which brings together practitioners from the United States, Canada, and Mexico to examine issues related to shared enforcement challenges, and NAWEG dedicated to wildlife enforcement issues. More recently, this trend has continued with new enforcement networks emerging in Asia and South America. (See “Conference Launches New Networks” on page 13).

The “Enforcement Gap”

There has been an explosion of environmental lawmaking over the last thirty years but this is not necessarily an indicator of success. Despite this growing body of environmental law at the national and international level, various measures of environmental quality show continuing degradation across a broad spectrum, with serious consequences for ecosystems and public health. There is a growing consensus that this state of the environment is due, in large part to, poor enforcement at all levels of governance: local, national, regional, and international. There are a number of contributing factors that have led to this crisis.

- First, there has been “a general lack of political commitment from government, institutions and civil society for the implementation of sustainable development.”⁸

- Second, developing countries need help identifying policy priorities, creating institutional frameworks, and tracking their progress towards national implementation of multi-lateral environmental agreements.

- Third, there currently is no coordinated, coherent and accessible means to monitor national enforcement, yet the “process of monitoring the implementation of conventions is essential to good governance: its aim is to ensure that commitments made are fully effective.”⁹

If sustainable development is to be achieved, this current “enforcement gap” cannot be allowed to continue. One critical problem illustrated by the proceeding discussion is the lack of a reliable, comparable and accessible means of monitoring national and international enforcement efforts. A properly designed system of indicators would help alleviate many of the problems posed by the current state of international enforcement.

Enforcement Indicators Will Improve Governance

The term indicator is rooted in the Latin verb *indicare*, which means to disclose or point out, to announce or make publicly known, or to estimate or put a price on.¹⁰ Environmental indicators are important tools for translating and delivering concise, scientifically credible information in a manner that can be readily understood and communicated to decision-makers and other intended audiences.

Yet, indicators have traditionally been limited to measuring the health and status of environmental media like air and water quality, waste management and land use. Despite repeated calls from the international community for their development, there is no comprehensive set of indicators to measure the effectiveness or enforcement.

Both Chapter 8 and 40 of Agenda 21 note that traditional indicators (e.g., GNP and measurements of individual resource or pollution flows) do not provide adequate indications of sustainability. Due to the inability of traditional indicators to provide the necessary information, Agenda 21 calls on the international community to develop and promote new indicators that would, in part, help track progress towards achieving its goals.

Similarly, Agenda 21, Chapter 8.21 calls on countries to develop “[i]nstitutional capacity for collecting compliance data and conducting periodic evaluations of the effectiveness of compliance and enforcement programs.” Chapter 8.6 states that “[c]ountries could develop systems for monitoring and evaluation of progress towards achieving sustainable development by adopting indicators that measure changes across economic, social and environmental dimensions.”

This call to action is based on the recognition that enforcement indicators would contribute to improved sustainable governance in a number of ways.

- First, the enforcement indicators would improve accountability. At the most basic level, these indicators would measure whether countries were implementing their commitments under both international and domestic law as well as pledges made to their own people.
- Second, enforcement indicators would provide a valuable tool for evaluating the effectiveness of local and national projects and policies. Policy makers would have access to data

indicating whether their current course of action is eliciting the desired results and whether any changes in policy are needed. At the international level, the very same indicators used by national policy makers would be useful to international capacity building projects when identifying "best practices" to be shared throughout the world.

- Third, enforcement indicators would be helpful to both national and international policymakers when allocating scarce resources for implementing policies. National governments could see what policies appear to be working and which are failing, and budget their resources accordingly. As noted above, there is an urgent need for an increase in funding and programs for improving enforcement capacity. Enforcement indicators provide a dual benefit in this regard, as they highlight the problem of enforcement with accessible data and identify where more resources are needed. Public and private international funding organizations could use this information to identify specific countries and projects that are in need of additional resources.

- Fourth, enforcement indicators improve transparency and participation in governance. Presently, poor people, less-developed countries, and NGOs are unable to fully participate in sustainable governance due to a lack of capacity, resources and technology. Contrast this with the ability of most developed countries and corporations to participate at all levels of national and international policy discussions. Yet, the participation of the disenfranchised groups is essential to good governance. As Hillary French at WRI notes, "[a]ction by governments alone will not solve the problems underlying the global failure to implement sustainable development. In order to transcend political conflicts and vested interests, multi-stakeholder participation and partnerships need to be established and developed in decision-making and implementation..."² Indicators help level the playing field. The framework described below provides for transparency in the development of the indicators and the publication of the actual data. This provides a free source of valuable information that will enable a broad range of civil society to participate in enforcement policy deliberation.

- Finally, the framework for INECE enforcement indicators improves coordination and coherence of sustainable governance. As noted, each treaty regime, international organizations, and lending institution has their own monitoring and reporting requirements. The cost of the status quo to individual nations as well as to the international community is monumental. It would make more sense to review enforcement issues on a "country-by-country basis rather than agreement by agreement and to ensure that all international environmental obligations are covered, including regional ones."⁸

Combining the monitoring, reporting and assessment procedures undertaken by these environmental regimes would have several benefits. It would streamline the processes and therefore reduce costs to nations for reporting and to the international community for monitoring. In addition, application of common principles of enforcement and reporting and a universal nature framework for indicator development would make it easier to plan and implement indicator-training projects. While the precise indicator may varied from country to county the principles and framework would

remain consistent.

Developing Enforcement Indicators: INECE's Role

By recognizing the integral role that enforcement plays in upholding the rule of law, and therefore in maintaining good governance, INECE is uniquely positioned to establish a standard set of enforcement indicators that meet universal minimum criteria. For over a decade, INECE has led efforts to increase awareness of enforcement issues and build capacity through regional and international conferences, training, and published reports highlighting best practices. Over the past eight months, INECE has researched other indicator projects in order to learn from their experiences. With this knowledge base, INECE has drafted a proposed methodology for developing enforcement indicators that has received significant review and comments from its partners and representatives of national, regional, and international organizations.

INECE's plan for creating Enforcement Indicators is detailed in the article "Developing Enforcement Indicators," on page 5.

References

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- 9 *Id.* at 2
- 10 *Id.* at 4
- 11 Konrad von Moltke, "The Organization of the Impossible", available at http://www.iisd.org/pdf/trade_organization_of_the_impossible.pdf.

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DEVELOPING INECE ENFORCEMENT INDICATORS

The International Network for Environmental Compliance and Enforcement (INECE) Enforcement Indicator Project (hereinafter also referred to as the “Project”) aims to develop a system for evaluating capabilities of environmental implementation, compliance and enforcement programs at the national, regional and/or international level. The objective of the Project is “action and accountability through better policy evaluation” in order to create a safer and healthier environment, and to promote sustainable development. Specifically, the Project will develop a process for creating and evaluating enforcement indicators at the national, regional and international level. The Project will then use this process to create model indicators based on a uniform minimum criteria. Finally, the Project will test both the process and the model indicators in a sample of nations around the world.

The development of the Project will follow a standard methodology that will include:

1. Preparation and Case Studies
2. Identification of Partners and Consultation
3. Selection of Framework
4. Identification of Principles
5. Indicator Development
6. Field Testing
7. Promotion

The Enforcement Indicator Project will continually reassess its approach – including users, partners, principles, models and practices – in order to expand the reach and improve the quality of the indicators. New partners will be sought to explore techniques that insure the indicators remain responsive to evolving environmental policy making needs.

Step One: Preparation and Case Studies

INECE recruited a team of experts in the development and implementation of performance indicators and environmental enforcement fields to serve on a working group that is reviewing and advising on all matters related to the development, selection, and testing of the Enforcement Indicator Project. The working group discussed many of the preliminary issues at the Sixth INECE Conference in April 2002. A summary of their discussion is available at www.inece.org/forumsindicators.html. They will continue to meet on a regular basis to discuss indicators matters and make recommendations.

In addition to the working group, INECE will undertake several case studies of indicator projects currently underway around the world. These case studies are not limited to implementation, enforcement, and compliance but rather look at a broad range of indicator work in order to identify the best theories and practices in the field and how to apply them to the development of the enforcement indicators. These case studies will be available on the INECE Web page for review and comment. INECE has selected the first set of case studies (see page 7) and new ones will be added on a continuing basis, with particular attention to the experiences of less developed countries and regional organizations.

Step Two: Identification of Partners and Consultation

INECE will identify potential Project partners and stakeholders who will be invited to participate in all aspects of the Enforcement Indicator Project from developing the indicator architecture to field-testing (see box on page 7). Consultations began prior to the Sixth INECE Conference, and

will continue for the life of the Project. In addition, INECE is hosting a Web-based discussion forum on indicators that is open to anyone interested in the issue. (See <http://www.inece.org/forumsindicators.html>).

Step Three: Selection of Framework

In order for INECE indicators to be used in connection with other existing environmental and sustainability indexes, it is important to adopt a conceptual framework that is compatible with these ongoing efforts. There are a number of indicator frameworks in use around the world today. They include Stock/Capital & Flow, Accounting, Integrated Assessment, Human-Ecosystem Interaction, Components-Problems, and Sustainable Development Holistic. The most commonly used is the Pressure-State-Response model (PSR). PSR follows cause-effect-social response logic, and was developed by the OECD from earlier work by the Canadian government.

“Pressure indicators” describe pressures from human activities exerted on the environment, including natural resources. “State indicators” measure the quality or condition of the environment – particularly declines attributable to human activities. “Response indicators” gauge the efforts taken by society or by a given institution to improve the environment or mitigate degradation. PSR, and modified versions, are used by a number of government agencies and institutional indicator projects.

Unfortunately, the PSR has traditionally ignored enforcement and compliance considerations when they describe environmental conditions, pressures, and responses. INECE will break new ground by developing indicators based on a new model that draws on the benefits of PSR while paying particular attention to enforcement activities (outputs), their corresponding outcomes and the corresponding impact on the environment. However, the Project will not repeat what has been done elsewhere by describing environmental pressures, conditions, quality, or responses unrelated to achieving compliance with environmental requirements.

For example: A regulatory agency conducts one hundred inspections (outputs). As a result the regulated industry increases compliance (outcomes) and there is a reduction in environmental harmful discharges (impact). Unlike the traditional PSR model, environmental outcomes are only indicators insofar as they are related to action to achieve compliance with environmental requirements. This Project will not simply track environmental conditions. (For a detailed discussion of the output-outcome model see Environment Canada: Outputs, Outcomes, and Environmental Indicators on page 10).

Step 4: Identification of Principles

After careful research and consultation the INECE team will select a set of guiding principles to be used in creating the indicator development process as well as the model indicators. The guiding principles will include collaboration, transparency, information, comparison, compatibility, policy relevance, credibility, technology, and feasibility.

Collaborative: The Enforcement Indicator Project will encourage cooperation between nations, regions/networks, and organizations that face similar challenges in enforcing and achieving compliance with environmental requirements, so as to achieve environmental

and developmental goals. It will encourage sharing of information, establishing common practices, and discussing experiences.

Transparent. The Enforcement Indicator Project will continually update publication of its work on the Web along with all data and data collection methods. This will include definitions of terms used and explanations of the underlying assumptions. In addition, INECE will extend an open invitation to all stakeholders, including government representatives, to participate and comment on the Project. The free access to the Project's information will encourage the widest possible level of participation from regional networks and organizations, developed and less developed countries, civil society, and concerned individuals.

Informative. The Enforcement Indicators will provide the information that responds to the needs of the users, and will be presented in an engaging, easy to understand format that will make the underlying data clear and useful to civil society, government, and the regular community. Through this process, voluntary compliance by industry will be improved and international certification efforts, such as ISO 14000, will be encouraged.

Comparable. The Enforcement Indicator Project will balance the need for uniformity in the collection of data and the measurement of indicators with the recognition that countries at different stages of development require different measurement. A measurement that is useful in one region may not be useful in another. However, there is considerable additional value in having some comparable indicators for developing and developed countries.

Use of a graduated set of indicators will be considered to allow countries/regions to adapt the indicators to the needs of the area. For example, enforcement indicators used by less developed or developing countries may include the number of trained staff and promulgation of environmental laws. The data from developing and developed countries will be weighted and aggregated by technical experts to allow for meaningful comparison despite the different measurements. The Project will encourage developing and less developed nations to make their utmost effort to implement the indicators both at the national and sub-national levels, according to their legal regimes.

Compatible. While there are no existing enforcement indicators, a number of governments and organizations already collect raw data on enforcement issues. The data collection methods of the Enforce-

ment Indicator Project will be designed to be compatible with existing reporting requirements (e.g. UN, WB, OECD, etc.). In the process, implementation, enforcement and compliance data will become linked to traditional measures of environmental quality and sustainability. Thus the indicators will not exist in a vacuum but rather will be able to "plug-in" to these other measurements giving a greater audience to the indicators and a greater reach to INECE's message.

Policy Relevant. The indicators will be designed with an emphasis on utility. Specific emphasis will be placed on priority setting, resource allocation, and accountability for policy performance.

Credible. The Enforcement Indicator Project will draw upon expertise from around the world and across sectors to develop a more robust set of measures that allow for flexibility and continuous improvement.

Technologically Sophisticated. The indicators will incorporate, as possible, the latest information technologies including the Web, digital libraries, powerful database systems, geographic information systems (GIS), and remote sensing.

Measurable. The data required to support an indicator will be readily available or made available at a reasonable cost/benefit ratio; adequately documented and of known quality; and regularly updated in accordance with reliable procedures.

Feasible. The cost of collecting data, in terms of money, infrastructure, and expertise, will not outweigh its value.

Step 5: Indicator Development

The Enforcement Indicator Project will result in two products. The first product will be a set of model enforcement indicators based on uniform minimum criteria. This basic set of indicators will be adaptable to address the unique concerns of industrialized, developing, and less developed countries as well as regional concerns. They are intended to be the building blocks of national indicator programs and provide an international benchmark for enforcement indicators. The second product will be a template for developing enforcement indicators. This will detail a "how to" process that organizations and countries can follow to develop additional indicators, beyond the basic set, that are tailored to their own unique circumstances. This standard process will ensure that the resulting indicators, whether developed for China or Chile, will possess common characteristics facilitating their comparison to other indicators around the

Who Will Use Enforcement Indicators?

- *Parliaments and National Governments* - to assist with priority setting and budgeting.
- *Regional Networks and Organizations* - to identify and respond to unique regional challenges.
- *Practitioners* - to evaluate alternative enforcement policies and practices.
- *International and Bi-lateral Donors* - to identify where capacity building funds are needed.
- *Regulated Community* - to better understand their obligations and gauge their performance.
- *Citizens and Nongovernmental Organizations* - to apply constructive political pressure to policymakers.
- *Investment Bankers and other Private Sector Financial Entities* - to measure and qualify investment grades in emerging markets.

world. Both products will draw upon the best experiences of other indicator projects as well as on input from all relevant stakeholders, especially regional networks.

Step 6: Field Testing

A group of representative countries will participate in testing both the model indicators and the development template. Their selection will be based on varied regional, political, economic, societal, and environmental circumstances. After careful field testing and analysis, both the model indicators and the development template will be revised, harmonized, and retested.

Step 7: Promotion

INECE and its partners will encourage governments to implement INECE Enforcement Indicators in their countries. In addition, INECE and its partners will promote the use of these enforcement indicators by international and regional organizations, providers of development assistance, and civil society. INECE is committed to this project and will act as an information resource for those implementing or using these indicators.

Indicator Case Studies

- *The North American Commission for Environmental Cooperation* - Enforcement indicators project.
- *The European Union* - Evaluations of accession countries progress towards transposition of EU environmental policies into domestic law.
- *World Resources Institute* - The Access Initiative, developing indicators on access to information, and Global Forest Watch, developing indicators on forest issues.
- *World Bank* - Project-based environmental performance indicators.
- *Mexican Procuraduría Federal de Protección al Ambiente* - Enforcement indicators project.
- *The United States Environmental Protection Agency* - Enforcement and compliance assurance program.

INECE SPONSORS CENTRAL AMERICAN WORKSHOP

On April 13th, 2002 in San Jose, Costa Rica, INECE sponsored a workshop entitled "Environmental Issues of Importance to Costa Rica and other Central American Countries for Local Professionals." Over ninety compliance and enforcement practitioners from across Latin America attended this full day Spanish language event that was co-sponsored by the University for International Cooperation and the Costa Rican Law Association. The event focused on training, networking, and raising awareness to local environmental issues and the need for stronger enforcement. Notably, one of the participants, Mr. Carlos Manuel Rodriguez was named Minister of the Environment for Costa Rica the day after speaking at this event. For more information, including a complete agenda, please visit <http://www.inece.org/conf/localAgenda.htm>.

Potential INECE Indicator Project Partners:

- Government Policy-Makers – legislators, judges, and high-level members of the executive.
- Enforcement Practitioners – regulators, inspectors, and other implementers of policy.
- International Organizations and Institutions – including UNEP, UNDP, CSD, OECD, and the World Bank.
- Regional Actors – including the European Union, regional development banks, the North American Commission for Environmental Cooperation, and regional enforcement networks around the world.
- Bi-lateral Donors – including the Netherlands, the United States, and Canada.
- NGOs - including the World Bank Institute, the Peruvian Society for Environmental Law (SPDA), Thailand Environment Institute, the Center for Environmental Law of the South (DASSUR), and the Environmental Management and Law Association of Hungary.
- Academia – including Yale Center for Environmental Law, The Center for International Earth Science Information Network (CIESIN) at Columbia University, and the Beijing Institute of Environmental Research.

CONFERENCE LAUNCHES NEW NETWORKS

The INECE Conference proved to be an outstanding opportunity for new and emerging networks. The International Network for Environmental Prosecutors and the Asian Environmental Compliance and Enforcement Regional Network were both officially formed. Recently, over 200 enforcement practitioners met in Argentina at meetings hosted by FARN to build upon efforts from the INECE regional meetings.



Jose Gonzalez Montero announcing the newly established International Network for Environmental Prosecutors.

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ENVIRONMENT CANADA: OUTPUTS, OUTCOMES, AND ENVIRONMENTAL INDICATORS

by Dave Pascoe of Environment Canada

Environment Canada's (ECa) enforcement program recently undertook an important review and renewal project leading to an increase in new enforcement resources. Within a five-year period the enforcement program will have more than doubled its resource levels. In turn, ECa can expect to be called to account for the impact of these new resources.

To respond to such a request, ECa will establish performance indicators that link the new resources, as well as specific actions taken as a result of them, to improvements in environmental quality. Such indicators will provide a means by which to measure the effectiveness ("performance") of the new program.

Performance measures will allow ECa to analyze program performance and determine how successful ECa has been in securing compliance with an Act or regulation. Measures should show where to make adjustments to refocus the program so that it has its desired effect. Indicators will also provide public reporting of the results of ECa's activities. Also, to support accountability, the measures should clearly track costs and resources, while justifying the need for additional resources.

Outputs v. Outcomes

Until now, our primary performance measures could be classified as outputs. Examples of outputs include: the number of inspections, investigations, warning letters, or prosecutions. Outputs, while relatively easy to quantify, do not reflect environmental results.

They also do not characterize the state of compliance or measure progress in achieving ECa's goals. Therefore, they do not serve to gauge the effectiveness of an enforcement program from the standpoint of environmental improvements or reductions of industrial discharges (i.e. the real impact of enforcement actions).

To effectively understand the impacts of our program we have to be able to measure the outcomes. Examples include: improvements to industrial processes, decreases in rates of recidivism, reductions in the time for an industrial sector to come into compliance, etc..

Once we are able to measure outcomes, we can tackle the hardest part of the process – linking outcomes of enforcement actions to actual improvements in environmental quality through environmental indicators. Table 1 provides some examples of outputs, outcomes and indicators that can be associated with various activities performed by Environment Canada.

ECa is currently undertaking two multi-year projects. Both projects involve measuring outputs, outcomes and environmental indicators, and both aim to address each question set out above.

Mining Industry Project

Mining is one of Canada's most important industries. Contributing \$26.2 billion to the Gross Domestic Product and representing 15 percent of total Canadian exports, it makes Canada one of the world's largest mineral exporters.

Because it has recently been subject to new regulatory controls, one Environment Canada project focuses on the mining industry. The project involves conducting baseline environmental measurements in the current fiscal year (02-03), as well as comparing mine discharges versus pending regulatory limits. A second set of measurements will be conducted after a period of compliance promotion (one to two years). And a further set of measurements would be conducted after a period of enforcement (a further one to two years).

By reviewing these results, we expect to be able to determine the outcomes (what mines have done to improve their operations) as a result of both compliance promotion and enforcement actions. We should also be able to perceive some improvements in the environmental quality (environmental indicators) as a result of our compliance promotion and enforcement work over the 4-year period.

The Agriculture Project

The second project relates to the agriculture sector. This project involves a specific watershed area in Canada. As with the mining sector project, the project will take baseline measurements in the current fiscal year. Following the compliance promotion and enforcement stages, the project will determine outcomes and environmental indicators according to measure-

Table 1. Example of Outputs, Outcomes, Environmental Intentions

MINING PROJECT	AGRICULTURE PROJECT
<i>Outputs</i>	
Increase in the number of compliance promotion meetings with mines	Increase in compliance promotion information provided to farmers
Decrease in the number of complaints	Decrease in the number of complaints
Reduction in the number of warnings, directions, prosecutions	Increase in the number of compliance promotion meetings with farming associations
<i>Outcomes</i>	
Increase in the amount invested by mines	Decrease in number or % of cattle in streams
Increase in compliance rate	Increase in the Km of fenced streams
Decrease in the number or % of mines requiring improvements in practices	Increase in the number or % of environmental farm plans implemented
<i>Environmental Indicators</i>	
Decrease in ambient levels in waterbodies	Decrease in ambient levels in waterbodies
Reduction in the number and total quantity of spills	Reduction in the number and total quantity of manure released to waterbodies
Reduction in the amount of waste discharged	Decrease in erosion of stream banks
Reduction in the number of uncontrolled tailings pond releases	Increase in the amount of environmental restoration conducted by farmers

Table 2. Potential Outputs, Outcomes and Environmental Indicators

<p>Activities</p> <ul style="list-style-type: none"> • new/revised regulations • compliance promotion actions • enforcement actions • data collection (discharge/ environmental levels) • data reporting (discharge/ environmental levels) • provincial regulations/ actions <p>Outputs</p> <ul style="list-style-type: none"> • number of compliance promotion meetings, letters, etc. • number of inspections • number of warnings • number of directions • number of prosecutions • amount of fines/penalties <p>Outcomes</p> <ul style="list-style-type: none"> • money invested in industrial processes • improved corporate philosophy • reduction in time to reach compliance • decrease in recidivism • increase in compliance rates • decrease in number of required inspections • less criticism by environmental groups <p>Environmental Indicators</p> <ul style="list-style-type: none"> • reduction in discharges • reduction in ambient levels (EEM + other) • reduction in environmental impact

ments taken from changes to the baseline data.

Examples of some outputs, outcomes and environmental indicators we will be trying to measure during the two projects are shown in Table 2.

The output-outcome-indicator approach is a new method for measuring the effectiveness of our programs. Noting that performance measurements are clearly complicated by many factors that might play a role in influencing environmental quality, when establishing indicators we must take into account external factors that could influence results. For example, increased energy costs rather than pollution controls could motivate industry to invest in better equipment thus reducing pollution; or upstream or neighboring industries could effect baseline measurements taken at a facility. Another point to keep in mind is that the success of performance indicators is tied to the quality of data, and in particular to data management systems. Therefore, we need good systems in order to use the data effectively.

Although these factors increase the challenge, it is still important for environmental agencies, such as Environment Canada, to understand the

effects of their programs and to develop systems to measure their performance. ECa's new indicator project hopes to meet this challenge.

WORLD RESOURCE INSTITUTE PUBLIC TRANSPARENCY AND ACCOUNTABILITY INDICATORS

The World Resource Institute (WRI) has recently become an innovative leader in the development of environmental indicators. WRI indicators are an integral part of two global initiatives - the Global Forest Watch (GFW) and The Access Initiative (TAI). Both GFW and TAI work toward a global environmental decision-making process that is transparent and accountable to civil society. The experiences from the GFW and TAI projects will assist INECE in creating environmental enforcement indicators.

Global Forest Watch works to increase transparency and accountability by monitoring the implementation of national and local forest management laws and regulations by environmental decision-makers.

GFW is developing a global forest-monitoring network that tracks actors such as corporations, government agencies and individuals that sponsor development activities. These actors are mapped according to the locations of their operations.

Aside from tracking developers, GFW also maps remaining tracts of primary forest. Monitoring government, industry and global development provides a useful indication of how well countries are managing and protecting forests through implementation of environmental laws.

The Access Initiative is developing an "Indicator Toolkit" to evaluate public participation in global environmental decision-making. TAI Indicators focus on how well environmental decision-making has incorporated public access to information, public participation and environmental justice.

In its design, the "Indicator Toolkit" measures and establishes a set of common practices in four broad areas. These areas include assessing the quality of the domestic legal framework, the degree of available access to selected environmental information, the degree of public participation in decision-making, and the quality of capacity building to ensure informed public participation.

The INECE Enforcement Indicator Project recognizes that the right to access environmental information and participate in environmental decision-making is still in deficit in many nations. The indicator work by GFW and TAI will assist INECE in developing its enforcement indicators to measure public access to information and participation in environmental decision-making.

For more information about the Access Initiative visit <http://www.accessinitiative.org> For more information about Global Forest Watch visit <http://www.globalforestwatch.org>.

ENVIRONMENTAL ENFORCEMENT AND COMPLIANCE INDICATORS FOR LATIN AMERICA: A NECESSITY

by María Eugenia Di Paola, FARN Director of Research and Training, medipaola@farn.org.ar

A group of enforcement policymakers, practitioners and members of civil society agreed to create a new Regional Network on Environmental Compliance and Enforcement in Latin America. One of its first priorities will be the development of regional enforcement indicators.

There is a growing consensus across Latin America that effective regional and domestic environmental legislation is critical to the success of the international environmental conventions and principles that address compliance and enforcement. For example, the Mercosur Treaty, which focuses on market liberalization, states that countries need to make efficient use of the natural resources and to preserve the environment. Resolution 10/94 of Mercosur's Common Market Group includes Directives on strong enforcement and compliance based on effective environmental norms. The importance of enforcement is also reflected in national constitutions. For example, Section 41 of the Argentine Constitution establishes the duty of environmental authorities to ensure the right of every person to a healthy environment, and the clear obligation of governmental authorities to enforce environmental policies and legislation.

In response to the growing concern over enforcement the First Conference on Environmental Compliance and Enforcement in Latin America (B.A. Conference), took place on May 28-29 in Buenos Aires, Argentina. The Conference was organized by FARN (Fundación Ambiente y Recursos Naturales) in collaboration with the World Bank Institute, funded by the Netherlands Government, with the endorsement of INECE and other Latin American institutions.

Over two hundred officials, practitioners, judges, and NGO representatives gathered to discuss issues related to environmental enforcement and compliance in Latin America. In particular, the Conference addressed institutional aspects (intergovernmental coordination, environmental legal requirements), enforcement mechanisms (the role of the executive and

judiciary), and regional initiatives to improve environmental enforcement (formal mechanisms like Mercosur and Networks, such as INECE).

It built upon the accomplishments of a number of international meetings and discussions including an e-dialogue and the 6th INECE Conference. The e-dialogue, organized in March 2002, offered an opportunity for different participants, mainly from Latin America, to analyze fundamental issues, problems, and experiences related to the deficiency of environmental compliance and enforcement in Latin America. These discussions were expanded during the Sixth INECE Conference in April 2002 to include viewpoints from around the world.

Latin America Environmental Enforcement Priorities

- Regional enforcement indicators.
- Enforceable environmental requirements.
- Increased public participation.
- Improved intergovernmental cooperation.
- Better utilization of alternative dispute resolution mechanisms.
- Greater role for judges and prosecutors.
- Increased capacity building.

One important outcome of the B.A. Conference was the creation of a Regional Network on Environmental Compliance and Enforcement in Latin America. The main goal of the Regional Network is to strengthen capacities for environmental law-making as well as environmental compliance and enforcement.

The first priorities are: capacity building for Prosecutors, the Judicial, Executive, and Legislative branches; and information exchange within the region on environmental compliance and enforcement. One of the initial undertakings of the new network will be the development of environmental compliance and enforcement indicators for the region. The B.A. Conference, the e-dialogue, the Sixth INECE Conference, and the first meeting of the Regional Network all concluded that environmental enforcement indicators are absolutely necessary if the region is to achieve a satisfactory level of sustainable development.

Despite a number of environmental enforcement and compliance indicator projects at other latitudes, there are no regional Latin American indicators of this kind. Different comparative sources are highly useful in defining the indicator scenarios.

Nevertheless, they cannot be the only basis to determine indicators. The B.A. Conference and the e-dialogue stressed the need to understand the regional particularities when developing environmental enforcement and compliance indicators in South America. Local field study with policymakers, officials, civil society, and the regulated community will help the region build adequate indicators. Information surveys derived from reliable sources are also fundamental. The regional and international process of developing indicators needs to be combined, in order to satisfy both goals. For more information visit http://www.farn.org.ar/enforcement/conferencia_doc.html.



The Author and Adriana Bianchi of the World Bank Institute at the Buenos Aires Conference.

STOCKHOLM THIRTY YEARS ON: PROGRESS AND CHALLENGES IN INTERNATIONAL ENVIRONMENTAL COOPERATION

The Swedish Ministry of the Environment organized *Stockholm – Thirty Years On: Progress Achieved and Challenges Ahead In The International Environmental Cooperation*, a conference to celebrate the thirty year anniversary of the United Nations Conference on the Human Environment 1972. The purpose of the conference, which took place 17-18 June 2002 in Stockholm, was to reflect on accomplishments of thirty years of trans-boundary environmental collaborations along with proposals for their improvement. Eight conference seminars concluded with several forward-looking proposals on themes of 1) cooperative technological solutions, 2) improving policy instruments and 3) converting knowledge of sustainable development practices into action.

Conference conclusions stressed that effective policy instruments for one country should be used as a learning tools for others. Effective policy exchange would improve the transferability of policy instruments between regions as well as developing and developed countries. This type of inter-regional and international communication and cooperation would likely bridge gaps in policy implementation and knowledge.

Conference attendees agreed that sustainable technologies and policy instruments require effective implementation strategies. Rather than being process-oriented there was a stated need to focus on target oriented results. For example, targets and timetables for sustainable development policies should be created along with the means of implementation and followup.

INECE LAUNCHES INDICATOR FORUM

INECE has added a new Forum on environmental enforcement indicators to our redesigned Web site that allows users to explore information on many types of environmental indicators and participate in the development of INECE enforcement indicators. The Indicator Forum is one of several INECE on-line resources dedicated to facilitating communication within the global enforcement and compliance community. INECE hosts additional Web forums on Hazardous Waste, Inspectors, Public Access to Information, Ozone, Pesticides, and Wildlife. These forums provide users with the opportunity to share ideas and information; access INECE documents; view other online resources; post and read messages via the bulletin boards; join topical listservs; hold conversations in secure chat rooms; and participate in expert-led discussions. INECE invites you to participate in the INECE Forums at <http://www.inece.org/forums.html>.

INECE TO CO-HOST GLOBAL JUDICIAL SYMPOSIUM

INECE has agreed to a partnership with UNEP to host the Global Judicial Symposium on Environmental Law and Sustainable Development. The symposium is to be held in Johannesburg, South Africa as a side event to the WSSD. The objective of the event is to foster a better-informed and more active judiciary that advances the rule of law in the area of sustainable development. For more information visit <http://www.unep.org>.

INECE TO TEACH COURSE AT SUMMIT INSTITUTE FOR SUSTAINABLE DEVELOPMENT

INECE plans to present a course at the Summit Institute for Sustainable Development (SISD) to be held during the World Summit on Sustainable Development, 26 August to 6 September 2002, which is being organized by the Smithsonian Institution, in collaboration with the South Africa Department of Education. This course will teach the importance of citizen participation in all aspects of environmental policy formulation and environmental enforcement, including practical discussions of how citizens can actually get involved and what types of laws, policies and programs are most valuable in this regard. Instructors will be drawn from the INECE network of enforcement and compliance officials, and include a diverse group of country experiences. The purpose of the course is to educate interested persons on how to participate in the environmental compliance and enforcement process, including opportunities to become involved in the development of environmental law and policy. Particular focus will be on practical steps for citizens to get involved in environmental policymaking and enforcement and how to best utilize available information resources.



Co-Chairs Gerard Wolters, Charles Sebukeera, and other participants during a plenary session at the 6th INECE Conference.

Indicators Responsive to US Public Accountability Law

The 1993 Government Performance and Results Act (GPRA) has helped the United States Environmental Protection Agency (USEPA) to improve accountability in achieving its program results. The United States Congress passed the GPRA to help agencies budget, plan and evaluate the progress of their programs more effectively. GPRA requires agencies to develop plans for what they intend to accomplish, measure how well they are doing, make appropriate decisions based on the information they have gathered, and communicate information about their performance to Congress and to the public.

In response to the Act, the USEPA has developed environmental indicators that are used to assess program progress. For instance, the Mid-Atlantic States Waste and Chemicals Department has created two environmental accountability indicators, Current Human Exposures under Control (CA725) and Migration of Contaminated Groundwater under Control (CA750). These indicators provide a measure of how well the agency is meeting priorities of protecting human health and groundwater resources. Indicators such as these will improve public confidence in the USEPA by holding them accountable to achieve program results. For more information on the EPA and the GPRA, please visit: <http://www.epa.gov/ocfo/planning/gpra.htm>.

INECE CONFERENCE CALLS FOR STRENGTHENING ENFORCEMENT AND COMPLIANCE

The Co-Chairs of the 6th International Conference on Environmental Compliance and Enforcement issued a "Conference Statement and Call to Action" that collectively outline INECE's role in the global effort to strengthen national and international environmental compliance and enforcement.

The Conference, held in San José, Costa Rica from April 15-19, 2002, brought together over 170 environmental enforcement officials from government, international organizations, NGOs, and academia from over 80 countries and organizations to share knowledge and build capacity through plenary, workshops, and regional meetings. In addition to these substantive meetings, each participant took part in one of six field visits to witness the challenges and successes of enforcement and compliance in practice.

The Conference was supported by the Dutch Ministry of Housing, Spatial Planning and the Environment (VROM), the United States Environmental Protection Agency (USEPA), the European Commission, the World Bank Institute, the Ministry of Environment in Costa Rica (MINAE), the United Nations Environment Programme (UNEP), and Environment Canada. An outstanding success, the Conference produced a number of accomplishments.



Ricardo Ulate, Coordinator for International Cooperation of MINAE, offers welcoming remarks at the 6th INECE Conference.

The *Conference Statement* (reprinted on the back cover) calls for a recommitment of Agenda 21's mandate to strengthen enforcement and compliance as an essential component of sustainable development, and appeals to developed countries to provide resources and technical assistance to increase enforcement capacity in other parts of the world.

There was a strong call for INECE to continue its support of regional enforcement and compliance empowerment networks and to undertake new projects to support and enhance its mission to raise public awareness and strengthen institutional enforcement capacity around the globe.

For more information about the Conference, including Proceedings and a detailed summary of accomplishments, please visit <http://www.inece.org/CRconf.htm>.

CONFERENCE ENDORSES INDICATOR PROJECT

The *Call to Action* directs INECE "to develop minimum criteria and pilot test INECE Environmental Compliance and Enforcement Indicators." Working with our regional partners, INECE will develop and test these new enforcement indicators with the goal of improving performance, public policy decisions, and environmental governance globally. The *Call to Action* reflects the central role that enforcement indicators played in the Conference deliberations.

"Most people recognize that enforcement and compliance is cost-effective at the macro level. It brings more benefits to society, in terms of improved public health and more secure ecosystems, than it costs. But what is not as well known is that improved enforcement and compliance also is cost-effective at the firm level in most cases. Enlightened business leaders now understand that good environmental performance enhances their international competitive position. It also is an important factor in attracting foreign direct investment, especially in developing countries."

Charles Sebukeera, a Conference Co-Chair and Director of Information and Monitoring at the National Environment Management Authority in Uganda.

Prior to the Conference, the INECE Secretariat drafted an annotated outline detailing the challenges and opportunities associated with the proposed Enforcement Indicator Project. The outline was discussed in several workshops and Conference ses-

sions. It sparked such interest that the Secretariat hosted an additional discussion session at an early-morning breakfast meeting to accommodate participant demands.

Participants stressed the importance of tailoring the indicators to the needs of individual regions, noting that the effectiveness of enforcement indicators in one region might not directly carry over other regions. Accordingly, it was agreed that the criteria used by the Enforcement Indicator Project should be flexible enough to accommodate the needs of different regions.

Conference plenary focused on issues relevant to the users of Enforcement Indicators. Michael Stahl's presentation, *Performance Indicators for Environmental Compliance and Enforcement Programs: The USEPA Experience*, recommended that the Enforcement Indicator Project strive to accommodate a broad range of users, including the public, NGOs, the regulatory community and academics, instead of being relevant to only a minority of experts.

Five Conference Themes

1. Environmental Results Through Enforcement;
2. Ensuring Effective Environmental Enforcement Through Institutional Capability and Performance Assessment;
3. Raising Awareness: The Importance of Environmental Compliance and Enforcement;
4. Constructing Effective Interlocking Networks at the Country, Region and Global Levels; and
5. Sustainable, Effective Regional Networks.

Selected Conference Accomplishments

- Launched International Network for Environmental Prosecutors.
- Created Asian Environmental Compliance and Enforcement Regional Network with a grant from Ford Foundation.
- Hosted successful preconference event for local practitioners.
- Joined UNEP to host the Global Judicial Symposium at WSSD.
- Endorsed INECE Enforcement Indicator Project.

Final INECE Conference Statement (Con't from back cover)

11. Most recently the preparatory discussions for the upcoming World Summit on Sustainable Development recognize the important role of enforcement and compliance in sustainable development governance and cite the need to “promote the establishment or strengthening of existing authorities and mechanisms necessary for policy-making, coordination and enforcement” and “develop and maintain effective legal systems, including strong and clear laws related to compliance, monitoring, enforcement, and for citizen participation.”

Benefits of Enforcement

12. Protection and maintenance of our life-sustaining natural ecosystems is the fundamental benefit realized from addressing the enforcement gap. These benefits generally outweigh costs, especially when the ecosystem benefits are considered along with the resulting benefits to public health, enhanced respect for the rule of law, improvements in governance, and improvements in the competitiveness of countries and firms, as well as new jobs and assistance in combating unemployment.

Expanding Role for INECE

13. The growing emphasis on enforcement and compliance is expected to increase the demand for a more active involvement of INECE and the enforcement practitioners who participate in the network from 130 countries. These practitioners come principally from governments, but also from NGOs and academia.
14. The INECE mission is to strengthen enforcement and compliance at the national, regional and international levels, thereby contributing to the strengthening of the rule of law and good governance. INECE is the only global environmental network exclusively dedicated to this critical mission. Its goals are to: a. Strengthen institutional capacity, inter alia, by exchanging experience and developing best practices, b. Develop effective interlocking networks at the national, regional and international levels, and c. Raise awareness of the importance of environmental enforcement and compliance.
15. The accomplishments of INECE include the landmark INECE Principles of Environmental Enforcement issued in 1992 to “help individuals responsible for environmental protection in different countries, regions and localities design and implement compliance strategies and enforcement programs.” Other accomplishments include the conference proceedings from the six INECE international conferences, training materials, the INECE Web site (www.inece.org), and the INECE Newsletter.
16. These accomplishments are mirrored in the efforts of regional enforcement and compliance networks, most notably the work of the European Network for the Implementation and Enforcement of Environmental Law (IMPEL), the AC-IMPEL, comprised of candidate countries to the European Union, New Independent States Environmental Compliance and Enforcement Network (NIS-ECEN), the BERCEN network, comprised of Balkan countries, and the North American Working Group on Environmental Enforcement and Compliance Cooperation of the Commission for Environmental Cooperation.
17. Continuous efforts are required to be undertaken by all countries and relevant organizations and operational agencies, including local governmental agencies and non-governmental organizations, concerned with ensuring the effective implementation and enforcement of national, regional, and international environmental law. INECE will play a vital role in these efforts.
18. The Internet is an important and valuable part of INECE's efforts to establish national, regional and international networks, promote their cooperation, build capacity around the world, link the society of environmental practitioners, and raise awareness of the importance of enforcement and compliance.

Call to Action

19. **Therefore**, the Co-Chairs of the Sixth International Conference of the international Network for Environmental Compliance and Enforcement:
- Urge* the International Community, through the World Summit on Sustainable Development and other related meetings, to reaffirm the commitment to strengthening environmental enforcement and compliance as an essential part of sustainable development governance;
 - Appeal* to developed countries to provide necessary resources and technical assistance, on request, to developing countries to strengthen their enforcement capacity and performance;
 - Encourage* INECE to continue expanding its training and capacity building initiatives, and to strengthen its partnerships with international, regional, and national organizations, as well as NGOs and academic institutions, with a view to pooling their respective comparative advantages, avoiding duplication and optimizing the use of available resources;
 - Reaffirm* INECE's commitment to strengthen and develop regional networks, especially in Africa, Latin America and Asia;
 - Recognize* the important role non-governmental organizations can play in enforcement and compliance, as independent actors and as adjuncts to government enforcement and compliance efforts;
 - Call* upon INECE to develop uniform minimum criteria and pilot test INECE Environmental Compliance and Enforcement Indicators, in cooperation with regional networks, with a view to improving performance, public policy decisions, and environmental governance globally, as well as the quality of the environment;
 - Note* that, INECE, in partnership with UNEP, is planning a Global Judicial Symposium in conjunction with the forthcoming World Summit for Sustainable Development, with the view to promoting networking initiatives and international cooperation amongst members of the judiciary in order to more fully integrate national environmental governance and sustainability principles into the judicial process;
 - Commit* INECE to build upon its accomplishments, including its conferences, newsletters and Web site, and to develop new products and services, including new ways to disseminate information through continuing expansion of the INECE Web site and other appropriate means;
 - Draw* the attention of the World Summit on Sustainable Development to INECE's accomplishments and its future efforts, noting in particular the contribution that INECE Enforcement Indicators can make to the need for the International Community to measure progress under Agenda 21, including at future summits, and request cooperation with INECE in accomplishing these critical goals;
 - Request* the INECE Secretariat to forward this Conference Statement to the World Summit on Sustainable Development, as well as to other relevant national, regional, and international institutions and meetings; and
 - Also request* conference participants to promote the Conference Statement within the process of the World Summit on Sustainable Development, and subsequently, in their own national systems, with a view to strengthening and enhancing environmental enforcement and compliance at the national, regional, and international level.

CO-CHAIR FINAL CONFERENCE STATEMENT SIXTH INTERNATIONAL INECE CONFERENCE, SAN JOSE, COSTA RICA, APRIL 15-19, 2002

1. As the international community prepares to meet in Johannesburg for the World Summit on Sustainable Development from 26 August to 4 September 2002, the need to strengthen environmental enforcement and compliance continues to be a dominant theme. There is a growing recognition that past environmental lawmaking has not sufficiently arrested environmental degradation and that enforcement and compliance must become a priority in the coming decades. Building the capacity to carry out the needed enforcement and compliance initiatives requires global cooperation.
2. One key actor in this effort will be the International Network for Environmental Compliance and Enforcement (INECE), a global network of practitioners that has done pioneering work in this field since its founding in 1990 by the environmental agencies in the Netherlands and the United States, in partnership with UNEP, the European Commission, the World Bank, OECD and others. The INECE Co-Chairs are Gerard Wolters, Inspector General, the Ministry Inspectorate of Housing, Spatial Planning, and the Environment, The Netherlands, Sylvia Lowrance, Acting Assistant Administrator for Enforcement and Compliance Assurance, U.S. Environmental Protection Agency; and Charles Sebukeyera, Director, Department of Environmental Monitoring & Compliance, National Environmental Management Authority, Uganda.
3. The Sixth INECE Conference was held in San Jose, Costa Rica from April 15-19, 2002 and featured a full program of panels, workshops and field visits for the participants selected to attend this event. Mr. Wolters, Ms. Lowrance, and Mr. Sebukeyera served as the Co-Chairs of the Conference, and issued this Conference Statement affirming the critical role environmental compliance and enforcement must play in achieving the rule of law, good governance, and sustainable development.
4. The conference participants acknowledge the assistance and support of the Costa Rican government and express their deep gratitude for the generous hospitality provided, including the cultural event at Pueblo Antiguo, and the field visits to explore and appreciate the natural environment and its management for which the country is so justly renowned.
5. The conference participants also acknowledge the assistance and support of the organizations providing financial and other assistance for the Conference, including the Ministry of Housing, Spatial Planning & the Environment in The Netherlands, the US Environmental Protection Agency, the European Commission, the World Bank, the NAFTA Commission for Environmental Cooperation, Environment Canada, and the International Fund for Animal Welfare, as well as the embassies of the United States and The Netherlands.
6. The conference participants also thank the governments, agencies, international organizations, and non-governmental organizations that have, since the Rio Earth Summit, supported enforcement and compliance efforts, and express the hope that they, as well as others in a position to do so, will continue to support the implementation of measures aimed at enhancing and strengthening enforcement and compliance of environmental laws at the national, regional, and international levels.

The Enforcement Gap

7. Despite a growing body of environmental law at the national and international level - more than 300 international and regional agreements have been developed in the thirty years since the 1972 Stockholm conference - measures of environmental quality show continuing degradation across a broad spectrum, with serious consequences for ecosystems and public health, as well as the rule of law and good governance. A telling example is the substantial mortality from lack of clean water, lack of clean air, and other forms of industrial pollution.
8. While poverty is a major cause and consequence of environmental degradation and calls for urgent remedial action, the failure to invest in the strengthening of enforcement and compliance programs is a key reason for the continuing degradation of environmental quality.
9. The Capacity Development Initiative of UNDP and the Global Environmental Facility concludes that there is a need to strengthen domestic capacity to enforce laws and policies to implement global environmental conventions. The enforcement gap is pointedly illustrated by the Convention of International Trade in Endangered Species (CITES): of the 154 parties, 76 are believed generally not to meet one or more of the requirements for implementing CITES. Without stronger enforcement and compliance, CITES cannot succeed in protecting endangered species, nor can the other conventions. This situation is repeated in other agreements at the international, regional, and national level, and is unacceptable if we hope to leave a positive environmental legacy for future generations.

Mandate to Strengthen Enforcement

10. The need to address the enforcement gap was recognized at the Rio Earth Summit in Agenda 21, Chapter 8, which specifically directs that States develop their compliance and enforcement capacity; in the European Commission's effort with the current twelve accession countries and in the recent 6th Community Environmental Action Program; in the Ministerial Communiqué from the Meeting of Environment Ministers of the Americas, held in Montreal, Canada March 29-30, 2001; in UNEP's final Montevideo III Programme, adopted in February 2001; in UNEP's Guidelines for Compliance and Enforcement, adopted February 15, 2002 in Cartagena, Columbia; and in the G-8 Ministers' Statement on Environmental Enforcement, International Cooperation and Public Access to Information, issued in 1997 in Miami, USA.

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