

THE INECE NEWSLETTER

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International Network for Environmental Compliance and Enforcement

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G-8 Environmental Leaders Issue Strong Enforcement Statement and Commit to Cooperation

When G-8 Environment Leaders met May 5-6, 1997 in Miami, Florida, USA, environmental enforcement was on the agenda for the first time. Out of that meeting, came a strong statement on environmental enforcement. That statement has echoed through several subsequent high level meetings -- eventually leading to a statement by heads of state of the G-8 countries in Birmingham, England in May of 1998, strongly supporting the Ministers' agreements on environmental compliance and enforcement and making a specific commitment to enhance cooperative efforts to fight environmental crimes.

At the Miami Meeting in 1997: "The Environment Leaders discussed the fundamental importance of compliance with domestic environmental law. They agreed that effective enforcement of environmental law is essential to punish and deter environmental violations, ensure fairness for those who pay the costs associated with environmental compliance, and to provide a basis and give incentives for voluntary efforts to improve environmental performance. Leaders agreed to move forward domestically with efforts to improve the integration of environmental enforcement with traditional law enforcement institutions and other agencies.

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Hazardous Waste Import/Export Enforcement Officials: Directory: Environment Canada Official Prepares for Monterey

At the Fourth International Conference on Environmental Compliance and Enforcement held in Chiang Mai, Thailand in 1996, during workshop discussions on enforcement of hazardous waste import/export requirements, Mr. David Aggett, Head of the Office of Enforcement, Environment Canada (Atlantic Region) volunteered to undertake the initiative of compiling a Global Directory of Enforcement Contacts. Mr. Aggett has directed his staff to work together with the Basel Convention, the INECE network, regional networks, participants to the Fifth International Conference and others to complete and distribute the Directory at the Fifth International Conference on Environmental Compliance and Enforcement in Monterey, California, this November. (See article on upcoming conference).

The Directory will be a reference list for enforcement officers and environmental managers to contact authorities in other countries. The listed contacts are "informal"; they are to enable officials to find the proper authorities in other nations quickly. To assist in compiling the Directory, we are "informally" requesting the following information for people who are

(continued on page 2)

(G-8 Meeting...Continued)

The Environment Leaders committed themselves to support and enhance the emerging international cooperative efforts among their governments and international bodies. They noted the value of compliance mechanisms under international environmental agreements and the importance of individuals and groups having access to environmental information and effective administrative and judicial mechanisms. They agreed to enhance a collective focus on trade which is illegal under international environmental law, including shipments originating in our countries and those that have adverse impacts on developing countries. They also agreed to further consultation under existing mechanisms to implement these cooperative efforts."

*From Chair's Summary, Environmental Leaders
Meeting, G-8, May 5-6, 1997*

A follow-up onetime consultation among officials on environmental enforcement held in Washington, DC January, 21 and 22, 1998, reported on common lessons in enforcement, focusing on the drive to control ozone depleting substances and transboundary movement of hazardous wastes. Participants from Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom, and the United States, joined by representatives from the European Union and Interpol stressed the importance and challenges of developing links between environmental agencies and other units of government, such as customs and traditional police agencies at different levels of government. They also emphasized the importance of using informal and formal international networks, such as those of the United Nations, INECE, and IMPEL, Interpol, the World Customs Organization and the International Maritime organization.

Several proposals for improving enforcement were adopted at the April 3-5, 1998 meeting of the G-8 Environment Leaders at Leeds Castle in Kent, England. These include: (1) encouraging other agencies to work with environmental agencies to combat environmental violations, (2) establishing and improving internal domestic and international networks of officials involved in enforcing environmental requirements, (3) further developing public access to environmental information, and (4) promoting training for law enforcement personnel in investigating environmental violations. The Environmental Leaders also considered other proposals, including providing full support for implementing existing multilateral environmental agreements, combating the black market in ozone depleting substance, fully utilizing existing international organizations, supporting existing and emerging informal networks, and continuing voluntary, informal information exchanges to detect and prosecute transboundary environmental violations. 🌱

(Haz Waste Officials Directory...Continued)

responsible for the enforcement of the regulations pertaining to the import and export of hazardous wastes under the Basel Convention or national environmental legislation (i.e. enforcement managers and environmental officers): name, title, business mailing address, telephone number(s), fax number, e-mail address, department, and type of organization. The information sought conforms exactly to the INECE databank format, so the Directory will augment the current INECE databank, which does not now distinguish government enforcement personnel with responsibility for hazardous waste import and export, but which can be updated to provide this information in an easily accessible form.

To assist this effort, we request that you complete the INECE network form at the back of this Newsletter and fax it directly to Jaclyn Shepherd. To support our efforts to coordinate databank entries, we also ask that you fax the form to INECE staff as well, specifically indicating that you want to be included in the Environment Canada Directory. Recognizing the issues raised in the G-8 consultation (infra) that there may be several different types of organizations involved in enforcing these provisions, Mr. Aggett indicates that he needs only one contact for this purpose but is willing to have more than one listed if that is most appropriate.

Further, we all recognize that contact information may already exist for similar purposes for specific regions, subregions, or projects. The Environment Canada staff welcomes receiving such existing lists as a basis for developing this global Directory, which may save both time and effort for all parties.

Environment Canada staff already contacted the Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which expressed interest in aiding the request for contact information. In addition, INECE forwarded a specific request to the regional networks to encourage their cooperation with this effort and encourage them to work with their member states to identify the appropriate contact information.

Thank you in advance for your assistance and we look forward to receiving a wealth of information. 🌱

CONTACT INFORMATION
See form on last page of newsletter

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REGIONAL NETWORKS

An important role of INECE is to foster the formation and effectiveness of regional enforcement networks. This section contains articles that highlight the progress and activities of the regional networks and a list of regional and subregional contact information.

REGIONAL NETWORK CONTACTS

Europe Regional Networks

IMPEL (List of National Coordinators available:)

Contact: Ms. B. Goinga
Phone: 32-2-296-7191
Fax: 32-2-299-1070
E-Mail: betske.goinga@dg11.cec.be

AC-IMPEL

Contact: Mr. N. Balodimos
Phone: 32-2-296-9127
Fax: 32-2-299-4123
E-Mail: athanoassios.balodimos@dg11.cec.be

ECA-INECE

Contact: Ms. R. Baskyte
Phone: 370-2-611-642
Fax: 370-2-623-529
E-Mail: TBS@nt.gamta.lt

Africa Regional Network

Contact: Mr. A. Adegoroye
Phone: 234-9-234-2807
Fax: 234-1-585-1571
E-Mail:

Contact: Dr. F. Hanekom
Phone: 27-12-310-3666
Fax: 27-12-322-9231

E-Mail: sek_re@ozone.pww.gov.za

Middle East Regional Network

Contact: Mr. O. El-Kholy
Phone: 20-2-352-1325
Fax: 20-2-378-0222
E-Mail: osama@agu.edu.bh

Americas Regional Networks

CEC/North American Working Group on Environmental Enforcement and Compliance Cooperation

Contact: Ms. L. F. Duncan
Phone: 1-514-350-4334
Fax: 1-514-350-4314
E-Mail: lduncan@ccemtl.org

Central American Commission of Sustainable Development (CCAD)

Contact: Mr. M. A. Gonzalez Pastora
Phone: 502-333-4486
Fax: 502-334-3877
E-Mail: magoup@citel.com.gt

Americas Network

Contact: Mr. J.C. Jordan
Phone: 1-202-458-3135
Fax: 1-202-58-3560
E-Mail: jordan_j@oas.org

Contact: Mr. E. Dannenmaier
Phone: 1-202-986-4264
Fax: 1-202-986-7250
E-Mail: elp@igc.org

Asia and Pacific Regional Networks

ASPA-INECE

Contact: Mr. L. Kurukulasuriya
Phone: 66-2-288-1877
Fax: 66-2-280-3829
E-Mail: kurukulasuriya@un.org

ASEAN

Contact: Mr. A. A. Rasol
Phone: 60-8-241-8535
Fax: 60-8-242-2863
E-Mail: pasar@po.jaring.my

EUROPEAN REGION

IMPEL Co-Chairs Meet with New Director General of DGXI: Discuss proposal on Minimum Criteria for Inspection

On March 4, 1998, the co-chairs of IMPEL met with Mr. Jim Currie, the recently appointed Director General of the European Commission DGXI, to inform him of IMPEL's current work. As reported by IMPEL Coordinator Ms. Betske Goinga in a letter to the National Coordinators of IMPEL, the meeting allowed the IMPEL representatives to discuss several issues, among others, that closely involve the Commission: the Commission's intention to propose a Directive on minimum criteria for inspections, continued financial support by the Commission for IMPEL activities, how to achieve balanced participation in IMPEL from the various member

states, how to achieve full cooperation among member states regarding criminal enforcement, and IMPEL relationship with INECE.

IMPEL has now published its paper on minimum criteria for inspections on the basis of which the Commission will come forward with a proposal. Those working on the criteria advocate a step by step approach to legislation on this subject, beginning with a Recommendation while recognizing the possibility of a framework Directive at a later stage. 🌱

AC-IMPEL Network for "Accession" Countries to the European Union Holds First Meeting

The AC-IMPEL network was established as a transition network for the eleven countries currently in the process of "Accession" into the European Union (Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Slovakia, and Slovenia). Its first meeting was held on January 19, 1998 in Brussels. Like its sister network the EU-IMPEL, the AC-IMPEL network focuses on the implementation, compliance and enforcement of the member countries' environmental laws. The network is set up to assist each member country achieve a smooth accession into the EU with regard to implementing the EU environmental laws. Once a country joins the EU, it will switch its membership to the EU-IMPEL network. Until that time, AC-IMPEL countries will also be part of the ECA-INECE network.

The AC-IMPEL meeting this past January, with the assistance of the EU DGXI, focused on the role, structure and future work for the network. A working group composed of the Czech Republic, Poland, Lithuania, The Netherlands, and the European Commission DGXI are now drafting the network's Terms of Reference document. The network will begin work with a compilation of inventories of the AC countries's legal systems and any specific hurdles these systems face in the accession process. Strong cooperation with the EU-IMPEL network is expected. AC-IMPEL countries are invited to join the EU-IMPEL ongoing projects on a voluntary basis, and inspector exchange programs will be held with the EU-IMPEL. In fact, the first such exchange already took place earlier this year in Hungary, and Estonia is organizing its own exchange. 🌱

ECA-INECE: Europe-Central Asia Network is Formed: First Meeting Sets Up Secretariat

At the Fourth International Conference on Environmental Compliance and Enforcement (Chiang Mai, Thailand, 1996) —which stressed the importance of international and regional networking — Lithuania committed to host the first conference for Central and Eastern Europe. The Europe Central Asia INECE network (ECA-INECE) including 28 countries in Central and Eastern Europe that are outside the European Union (EU) held their first meeting May 13-15, 1998 with financial support from The World Bank and The Netherlands.

A preparatory meeting involving four members of the ECA-INECE network (The Czech Republic, Hungary, Lithuania, and Poland) and representatives from The Netherlands, the United States, and the EU DGXI met in

Vilnius, Lithuania on April 13-15, 1998 to establish the role for the ECA-INECE network. Some of the topics addressed include: (1) developing a system of rapid information exchange between operational enforcement agencies in the participating countries, (2) jointly training staff, and (3) setting up future workshops and conferences. One important outcome of the conference was the formation of a Secretariat.

The ECA-INECE network is not a "formal" network imposed by the international community. Based on the same principles as the EU-IMPEL network, voluntary and informal networks have proven to be highly effective in tackling common environmental enforcement problems between countries and groups of countries. 🌱

AMERICAS REGION

Meso-American Network of Experts in Environmental Law Holds Second Meeting on Liability for Environmental Harm

The Meso-American Network of Experts in Environmental Law had its second meeting in Honduras from March 24-28, 1998, focusing on the topic of liability for environmental harm. Brought together by the Central American Commission on Environment and Development (CCAD), which consists of representatives from the ministries of environment and natural resources in the seven countries of Central America, the network includes both governmental and non-governmental environmental legal experts. The network meeting program included discussion of administrative environmental law implementation and enforcement, environmental audits, civil liability for environmental harm, implementation of international environmental treaties in the region, the role of citizens in environmental enforcement, and criminal environmental law.

The CCAD is among the most active regional environmental governmental networks in the world, and its role and objectives have evolved since its creation in 1989. The institution's initial mandate was to develop

the capacity for coordination among environmental officials from each country, focusing on regional planning, harmonization of environmental laws, and strengthening of national environmental commissions. In recent years, the CCAD's priorities have shifted to financial management, conflict resolution, decentralization, and a more focused environmental agenda, including a strong environmental legislative program. The legislative program has taken a close focus on environmental law development, implementation and enforcement. This CCAD program links government officials on environmental matters such as development of regional environmental law, exchange of information on specific implementation and enforcement challenges, and capacity-building of government officials (prosecutors, judges, and policy-makers). In addition, the CCAD program provides a much needed link between government officials and civil society representatives, including citizen organizations in capacity-building and policy-making endeavors. 🌱

Americas Network

The idea to form a network for the Americas, spanning the entire hemisphere, and cross linking with existing networks in North and Central America, started as an idea among friends and colleagues at the Third International Conference on Environmental Compliance and Enforcement in Oaxaca, Mexico in 1994. Referred to as the Oaxaca Declaration, and inspired by the IMPEL network in Western Europe, the notion matured as a proposal at the Summit of the Americas and finally as a commitment among government leaders at the Bolivia Summit on Sustainable Development in December 1996 where member states of the Organization of American States (OAS) agreed to cooperate in establishing "a

hemispheric network of officials and experts in environmental law, enforcement and compliance" to improve the development, implementation and enforcement of environmental law throughout the region. On May 23-24, 1998 a preparatory meeting was held in Miami by the OAS inviting selected representatives from government, NGOs and private sector bodies from Canada, Mexico, the U.S., Paraguay, Costa Rica, Chile, Ecuador, the CCAD, Bolivia, Jamaica, Venezuela, Panama, Brazil, Colombia and Peru to explore the scope and design of such a network. The OAS expects to have a draft plan for the network ready in the fall of 1998 and will report on it at the Monterey Conference 🌱

North American Working Group on Environmental Enforcement and Compliance Cooperation - Initiatives on Compliance Indicators

In 1993, Mexico, United States and Canada entered into the North American Agreement for Environmental Cooperation (NAAEC) as a side agreement to the North American Free Trade Agreement (NAFTA). The objectives of the NAAEC include the establishment of a level trading field through commitment to effective environmental law. The agreement also created the Commission for Environmental Cooperation (CEC). In 1995, the Secretariat to the CEC established a North American Working Group on Environmental Enforcement

and Compliance Cooperation (EWG) to support delivery of its Enforcement Cooperation Program. In June 1995, the CEC Council of Ministers granted official status to the EWG mandating them to:

- Provide a forum for North American cooperation in environmental enforcement and compliance;
- Support initiatives for sharing enforcement-related strategies, expertise, and technical knowledge;
- Support capacity building in effective enforcement and enhanced compliance;

- Facilitate the development and implementation of trilateral enforcement cooperation programs and initiatives;
- Examine alternative approaches to enforcement and compliance; and
- Support the Parties in the preparation of annual enforcement reports and the examination of improved indicators or measures of effective enforcement and compliance.

Initiatives undertaken by the EWG, with support of the CEC, have included completion of a regional analysis and strategy for improved tracking and enforcement of transboundary movement of hazardous wastes and the publication of a directory of North American Hazardous Waste Enforcement officials.

Considerable effort has been directed to exchange

information and strategies for promoting voluntary compliance. An adjunct group, the North America wildlife enforcement Working Group (NAWEG), has delivered 5 joint seminars on enforcement of CITES and are working toward a regional network on wildlife forensics.

Comments should be sent to:
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 Montreal, Quebec, Canada H2Y 1N9
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Current initiatives are focused on cooperative review of enforcement and compliance indices for: 1) the review and analysis of environmental management systems and other voluntary compliance initiatives as mechanisms for effective enforcement and enhanced compliance and 2) the evaluation of the effectiveness of national enforcement and compliance strategies. A report on the EMS project will be available in July 1998. Proceedings of a CEC sponsored dialogue on Indicators of Effective Environmental Enforcement will be available fall 1998. The EWG and CEC welcome feedback and ideas from others working in this area. 🌱

ASIA AND PACIFIC REGION

ASPA-INECE: Asia and Pacific

Preparations are being made for a planning meeting, now scheduled for September, to explore the nature and scope of an Asian network for environmental law implementation and enforcement that would include ASEAN member countries as well as other countries within the region. The meeting is supported by the Dutch Environment Ministry -VROM - and the environmental law unit of the UNEP regional office in Bangkok. Issues discussed at the meeting will include how best to use the opportunity of the regional meeting at the Fifth

International Conference in Monterey in November to make further progress for the region.

The UNEP regional environmental law program has just announced the availability of a "Compendium of Summaries of Judicial Decisions in Environmental Related Cases" from a symposium held in Colombo, Sri Lanka in July 1997 and published by UNEP and the South Asia Cooperative Environment Programme (SACEP) with financial support from the Royal Norwegian Government through NORAD. 🌱

ASEAN: Forms Permanent Environment Secretariat

ASEAN member countries have established a permanent institution on the environment called Asean Ministerial Meeting on the Environment supported by ASOEN (Asean Senior Officials on the Environment) and of course a permanent secretariat. The ministers and

the senior officials meet at least twice a year to discuss environmental issues affecting the region. Environmental compliance and enforcement issues are among the issues being discussed at high levels in the region. 🌱

AFRICA and WEST ASIA REGION

Africa and West Asia Regional Network

At the Fourth International Conference in Chiang Mai Thailand in April 1996, participants from the region agreed upon the need to develop an ongoing network devoted to exchange and capacity building. Senior officials from South Africa and Nigeria volunteered to host the first meeting, however, plans for establishing networks for Sub Saharan Africa, North Africa and West Asia are still being formulated at the time of this issue. There is no

doubt sufficient interest on the part of African Environment Leaders, The World Bank Africa Division, the African Development Bank and donor countries to expect substantial progress in the region over the next year in developing the kinds of regional and subregional networks needed to support ongoing cooperation, shared training and expertise to build a self-sustaining capability for effective home grown programs in the continent. 🌱

HIGHLIGHTS OF PROGRAMS/ACTIONS/ COOPERATION

Danish Authority to Deny Permits Based on Poor Compliance Record

A “loss“of environmental responsibility is now a basis for disqualifying offenders — those who are grossly violating Danish Environmental Law — from operating polluting activities. This is one of three new enforcement instruments Denmark’s Parliament adopted in the Environmental Protection Act of 1997 to strengthen Danish control over heavily polluting facilities. In a letter send by Danish Minister Svend Auken to colleagues in other EU member status, “The aim of the rules is to prevent individuals and companies which have speculated in violations of environmental requirements”. The Act provides the Danish environmental authorities with three new instruments towards the goal of better and more even enforcement.

The first instrument establishes that the Danish Environmental Authority may use a company’s record of environmental responsibility as a criteria in deciding whether to authorize new polluting activities or reauthorize existing ones. Before this authority to consider a company’s environmental responsibility, Danish environmental officials considered only the facility (and its pollution) and its specific location when deciding whether to authorize a pollution activity. Now, however, Danish authorities can consider whether a company has “lost” its environmental responsibility. An individual or a company with decisive influence on the operation of a plant may be considered to have “lost” environmental responsibility if it is convicted of a gross violation of Danish environmental law, has been disqualified from a pollution-generating activity by a Danish court, or is in debt to the Danish government for pollution cleanup expenses. When a company has lost environmental responsibility, the Danish environmental authority can refuse to approve a new pollution activity, place special restrictions on the approval, or, in the extreme, can withdraw approval from an existing activity and order the company to close the facility. This enforcement authority extends to companies and individuals, and applies when one company assumes control over the pollution activities of another entity.

The second instrument created by the 1997 Environmental Protection Act is the authority for Danish environmental officials to compile a listing of companies

and individuals who have lost environmental responsibility. This provision aims to prevent those who have attempted to profit by past environmental violations from doing so again.

Finally, the 1997 law provides a mechanism for disqualifying individuals and corporations from operating polluting activities in the future based on previous violations of environmental laws. This disqualification power supplements the power to disqualify that the Danish courts already possess, and is expected to be a powerful tool for Danish environmental officials. 🌱

Environmental Management Systems Subject of Minister’s Resolution at the Commission for Environmental Cooperation

In two recent actions, Environmental Management Systems (EMS) were the focus of attention at the Commission for Environmental Cooperation (CEC). This international body is composed of delegates from Mexico, Canada and the United States and was established under the North American Agreement on Environmental Cooperation (NAAEC), the environmental side agreement to the North American Free Trade Agreement (NAFTA), to handle regional environmental issues and promote effective environmental enforcement. The first focus on EMS came from the CEC’s Council of Environmental Ministers. Using its legislative powers, the Council adopted Resolution 97-05 in June, 1997, “Future Cooperation Regarding Environmental Management Systems and Compliance”. Resolution 97-05 is two pronged. The first prong confirms the rights of the signatory countries to retain the role of establishing environmental standards and verifying compliance of environmental laws. The second prong, however, emphasizes the importance of private voluntary compliance programs (such as EMS programs based on ISO 14001) to supplement government enforcement. Resolution 97-05, however, stresses that, because private voluntary programs under ISO 14001 are voluntary, their adoption does not constitute compliance with legal requirements and does not prevent

governments from taking appropriate enforcement actions. The three parties to the NAAEC are working together to propose new working plans to better achieve the plans to better achieve the goals established in Resolution 97-05.

In addition to Resolution 97-05, the Mexico Delegation to the CEC established a draft working plan for 1997-1998 that focuses on EMS programs. The plan lays out three primary goals: (1) to revise the content and implementation process of Mexico's ISO 14001 regulations to define the advantages or limitations of environmental management systems as a tool for supporting the industrial sector in environmental compliance and protection; (2) to revise the ISO 14001 regulations with respect to Mexico's Governmental Voluntary Compliance Programs to determine recommendations to achieve effective environmental protection; and (3) to work towards trilateral recognition for industrial environmental protection among the three signatories to the NAAEC (Mexico, Canada, and the United States). To achieve these main points, the Delegation proposed to establish a Working Committee that will have several functions, including: defining a general framework for a working agreement among the three signatory countries, making official the recognition of voluntary environmental compliance programs in each country, defining the requirements for certification of voluntary programs, and integrating a program on trilateral promotion of such voluntary compliance programs. 🌱

Antonio Azuela
Attorney General
PROFEPA, Mexico

The Netherlands, the United Kingdom, and the European Environmental Agency Hold Conference on Monitoring and Modeling Information

On June 3-5, 1998 in London, England, The Netherlands, the United Kingdom, and the European Environmental Agency jointly sponsored a conference on ensuring monitoring and modeling information fits the needs of environmental policy makers. The conference, entitled "Bridging the Gap: New Needs and Perspectives for Environmental Information," featured workshops and papers addressing the following themes: (1) current and prospective priorities for environmental information to meet environmental policy and management needs; (2) the extent to which current monitoring and modeling information meets environmental management needs and the extent to which this information overlaps or contains gaps; and (3) frameworks needed for providing optimal monitoring and modeling information. The conference was aimed at helping European countries monitor progress towards meeting the commitments they made at the Rio Earth Summit and the 5th Environment Action Programme to work towards sustainable development. The conference also was meant to provide a resource for European Union (EU) accession countries (those countries applying for entry into the EU) in establishing or upgrading their monitoring systems to meet EU requirements. 🌱

CITIZEN ENFORCEMENT HIGHLIGHTS

NGO Enforcement Efforts Supplement Enforcement By Regulatory Agencies

In countries around the world, non-governmental organizations (NGOs) and public interest attorneys are helping regulatory agencies increase compliance with environmental laws. In this first issue of the INECE Newsletter, we will highlight recent citizen enforcement efforts in Colombia and Panama.

Colombia:

In Colombia, citizens in the town of Caracolicito discovered over 800 drums of abandoned toxic pesticides after three workers who helped move them became ill and livestock in a nearby field died. FUNDEPUBLICO, a NGO public interest law firm, filed a legal action called a “tutela”, and demanded immediate corrective action. A three-judge panel in Colombia directed the Colombian Ministries of Environment and Public Health to prepare within thirty days a plan to remove and safely dispose of the pesticide stock. The panel also ordered the national cotton growers association, which had stored the pesticides, to implement the disposal plan within 15 days.

Panama:

In Panama, the Environmental Commission of the Panamanian Legislative Assembly issued an order suspending work at a heap leach cyanide gold mining operation after a number of citizen groups took action. Specifically, a Panamanian public interest lawyer, Hector Huertas, and two NGOs, Centro de Asistencia Legal Popular and the Environmental Law Alliance Worldwide, provided the Assembly with information showing that the impacts of the mining were much more severe than the mining company had revealed.

These are only two examples of the ways in which NGOs are working in countries around the world to supplement the work of regulatory agencies and insure greater compliance with environmental laws. In upcoming issues of this newsletter, we will address additional citizen enforcement efforts that also may be of interest. 🌱

Michael Axline
President of the Board
Environmental Law Alliance Worldwide, U.S. Office

“Public demand is not just a driving force, it is also a resource.”

*-- Rubin Olembo
Deputy Director
UNEP*

Central and Eastern Europe Network Plans for Fourth Annual Conference, Focuses on Stronger Citizen Role in Enforcement

Exchanging information and expertise throughout the region, the Central and Eastern European Network of public interest environmental lawyers has been meeting on an annual basis to discuss the day-to-day challenges of ensuring citizen access to environmental decision-making. The Network is now involved with the Fourth Annual Conference of Central and Eastern European Environmental Advocates that will take place directly prior to the June, 1998 meeting of the European Environment Ministers. The conference will be held in Wroclaw, Poland and will be hosted by the Polish Environmental Law Association, in coordination with the American Bar Association's Central and Eastern European Law Initiative and public interest environmental law centers from throughout the region.

There are a growing number of public interest environmental lawyers in Central and Eastern Europe whose daily business is connected to public participation, access to information, and access to justice. The legislation in most countries in the region already contains a number of rights and legal tools for citizens wishing to protect their health and the environment around them. These rights and tools are inadequate in most cases, but they provide a starting point for creative advocates and activists. The avenues for public participation that citizens in the region most often use are the environmental impact assessment process, the licensing process, and the process of bringing enforcement actions in court. For example, in the Czech Republic, after citizens won a lawsuit enforcing the public participation provisions of environmental impact assessments, the government has begun to take the public participation provisions more seriously. In other countries, however, it is still an uphill battle for citizens to effectively participate in governmental decision-making. This is due to a complex host of factors, including: (1) lack of clear procedures for access to information; (2) lack of clear environmental standards; (3) lack of clear standing criteria for citizens going to court to enforce environmental law; and (4) lack of political will to make public participation a real part of government decision-making. Despite these hurdles, the Central and Eastern European Network is encouraged by signs like those in the Czech Republic that, as environmental organizations gain expertise in participating in the governmental decision-making process, access for citizens is growing, at least in some countries. 🌱

“Environment for Europe”

The Fourth Pan-European and Eurasian Environment Ministerial Conference will be held June 23-25, 1998 in Århus, Denmark. The Conference includes governmental delegations from the United Nations Economic Commission for Europe (UNECE) region including Western Europe, Central and Eastern Europe, the New Independent States, the United States, Canada, and Israel. The Conference will continue the ongoing pan-European cooperation on the implementation of the Environment Program for Europe that focuses on public participation, air protection protocols, energy efficiency, and biodiversity. It will also address continued implementation of the Environmental Action Program for Central and Eastern Europe covering issues such as national environmental action plans, environmental financing, public participation, and business and environment. Prior to the Ministerial Conference, the Pan-European NGO Coalition is organizing an ECO Forum. The ECO Forum will focus primarily on the draft Convention on Access to Environmental Information, Public Participation in Environmental Decision-making and Access to Justice in Environmental Matters. The draft Convention has been intensively negotiated over the past two years and will be open for signature at the Århus Ministerial Conference. The Convention lays out basic principles for states concerning the three pillars of the role citizens can play in environmental decision-making: access to information, participation, and access to justice. The Convention negotiations mark the first time that NGOs were actively involved in a governmental negotiation process. The Convention has the potential to significantly strengthen information and participation regimes in the region. It has a broader application than any of the European Union Directives or other regional instruments currently in effect and should provide a platform for capacity-building and monitoring national activities to encourage public participation. 🌱

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INECE NEWS

About INECE

The International Network for Environmental Compliance and Enforcement, INECE is an international partnership to promote effective environmental compliance and enforcement of requirements of domestic environmental laws and international environmental agreements through networking, capacity building and enforcement cooperation.

It grew out of a common recognition that environmental enforcement is essential to protect public health and the environment and to secure both environmental and economic benefits sought from development and international trade.

INECE has evolved for over a decade. It began with a bilateral exchange between the U.S. EPA and the Dutch Environment Ministry (VROM) which quickly expanded into a broad partnership of government officials around the globe, NGOs and international organizations in particular the United Nations Environment Program (UNEP), The World Bank and the European Commission. Activities are coordinated by an Executive Planning Committee (EPC) with worldwide representation and support.

Following four successful international conferences with exponential increases in the number of individuals, countries and international organizations invited to participate, the collaborative development of training and workshop materials, and comparative country studies, the name INECE was adopted to communicate the ongoing nature of the networking and cooperation which better responds to the urgent need to support effective environmental compliance and enforcement and to make these functions more effective. INECE signals a new stage in the evolution of the partnership. Under INECE, the EPC has committed itself to a semi-annual Newsletter, an enhanced Internet access, the fostering of regional networks on environmental compliance and enforcement associated with INECE, and support of global projects.

The INECE partnership facilitates linkages and communications among and reinforces -- but does not duplicate-- the activities of participating institutions. It also provides synergies between organizations with common goals in supporting and implementing environmental compliance and enforcement programs. 🌱

INECE Mission:

Through international partnership, to help countries, organizations, professionals:

- Develop and enhance environmental compliance and enforcement programs, tools, and strategies.
- Identify a range of potential programs, tools, and strategies.
- Undertake cooperative environmental enforcement and compliance activities to solve common problems.
- Communicate the importance of environmental compliance and enforcement.
- Develop effective means to promote and motivate environmental compliance by the regulated community and improved environmental performance generally, without directly involving regulated industry in its activities.
- Develop effective means for citizens to support, monitor compliance, and enforce environmental laws.
- Facilitate linkages among and reinforce --but not duplicate-- institutions with common goals and provide synergies between organizations involved in environmental compliance and enforcement programs.
- Articulate principles for enforceable environmental law, without advocating any particular body of law. 🌱

INECE Holds Fifth International Conference on Environmental Compliance and Enforcement, in Monterey, California, November 16-20, 1998

INECE's Fifth International Conference on Environmental Compliance and Enforcement will be held November 16-20, 1998 in Monterey, California, U.S.A. A total of 250 governmental and non-governmental individuals from countries and international organizations around the world will participate. These participants were asked to attend by the 26 members of INECE's Executive Planning Committee, which made the selections with the aim of providing a balanced and broad spectrum of representatives. The conference will focus on six themes and seek to further regional and global networks that emerged from previous INECE conferences and commitments at the Fourth International Conference in Chiang Mai, Thailand in 1996:

- Making it Happen: Applying the Principles of Environmental Compliance and Enforcement
- Communications, Public Role, and Compliance Monitoring
- "Carrots and Sticks"
- Capacity Building
- International Cooperation/Transboundary Compliance and Enforcement Issues
- Building Regional and Global Networks

Information about the conference is available in a Conference Brochure and also from INECE's Internet site (<http://www.inece.org>) or may be obtained by contacting INECE's EPC Staff: Jo Gerardu or Cheryl Wasserman or Executive Planning Committee members listed in this Newsletter. Of course, future issues of this Newsletter will report on the conference and the ideas that emerge from it. 🌱

International Inspector Training Compendium

Last year, the INECE Executive Planning Commission initiated development of an international inspector training compendium, course and program comparison in time for the Fifth International Conference in November 1998. The purpose is to facilitate sharing existing inspector training materials and to identify areas of consensus and differences on the content of training essential for effective compliance monitoring. Already 10 country programs and training courses have been profiled and funds have been committed to add 10 more countries. The initial draft Compendium will be on the INECE website in August. Additional materials or information on training courses are being solicited in any language particularly in the formats provided. Inquiries should be directed to INECE EPC Co-Staff. 🌱

Country Progress Report Format for self assessment, global and regional priorities

A great experiment is underway to help in networking, benchmarking progress, and setting priorities for capacity building at the country, regional and global levels. At the request of the INECE Executive Planning Committee, staff have developed a format for participants at the next conference to complete for an aggregated report by region and around the world on the status of environmental law implementation, compliance and enforcement. The completed submissions which are both informal and anonymous in public reporting, are hoped to represent careful reflection on where we are and where we need to go so that we can collectively galvanize support for needed improvements. The format uses internationally accepted frameworks without implying any one model and seeks to recognize the full range of approaches described by the many countries and international organizations involved over the decade in previous international conferences. 🌱

CALENDAR OF EVENTS

- Event: Meso-American Network of Experts in Environmental Law Meeting
Date: March 24-28, 1998
Location: Honduras
Description: Meeting included discussions on the implementation, enforcement and other aspects of administrative environmental law
- Event: G-8 Environmental Leaders Meeting
Date: April 3-5, 1998
Location: Leeds Castle, Kent, England
Description: Conference included discussions on improving networks for environmental enforcement, improving public access to information, and training law enforcement in investigating environmental crimes
- Event: Europe, Central Asia-INECE Network Meeting
Date: May 13-15, 1998
Location: Vilnius, Lithuania
Description: Meeting to launch ECA-INECE Network, to exchange information among countries in the region, and explore joint training and capacity building projects
- Event: Meeting on scoping out Americas environmental law implementation and enforcement network
Date: May 23-24, 1998
Location: Miami, Florida, U.S.A.
Description: Meeting called by the Organization of American States to explore design issues with government and NGO's following the Bolivia Summit
- Event: Conference: Bridging the Gap: Needs and Perspective for Environmental Information
Date: June 3-5, 1998
Location: London, England
Description: A conference on monitoring and modeling information, sponsored by the Netherlands, the United Kingdom, and the European Environmental Agency
- Event: Fourth Annual Conference of Central and Eastern European Environmental Advocates
Date: June, 1998
Location: Wroclaw, Poland
Description: Meeting of NGO's
- Event: ASPA-INECE (Asia Pacific) Preparatory Committee Meeting
Date: September 5-7, 1998
Location: Colombo, Sri Lanka
Description: Meeting to explore role of Asian network in environmental law implementation and enforcement among ASEAN countries
- Event: ASPA-INECE Meeting
Date: September 21-23, 1998
Location: Phuket, Thailand
Description: First ASPA-INECE meeting to establish possible network in the Asia Pacific Region
- Event: 5th International Conference on Environmental Compliance and Enforcement
Date: November 16 - 22, 1998
Location: Monterey, California, USA
Description: 5 day conference; 250 Participants from 136 Countries and international organizations

**The INECE Executive
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acting as the Newsletter
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MS. SHARI OLEY and MS. YELENA ZBARSKY, ESA, Inc
for newsletter design and publication

**SOLICITING ARTICLES/THEMES FOR
FUTURE NEWSLETTERS**

We are soliciting articles relevant to those in the INECE network as well as contributions on particular themes. Basic format for the Newsletter will remain the same with a Regional Network corner, an NGO corner and Highlights. Proposed themes for the next newsletter include:

- Inspector Training and Exchange Programs
- Indicators of success—support the CEC project (above)
- Related Networks and sources of information
- Highlights of Country Programs/Enforcement Successes

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Contact information for International Network for Environmental Compliance and Enforcement

1. Please return to by fax to: 1-301-946-8984
2. If you are providing a contact for Hazardous Waste Import/Export (refer to article on page 8) please also fax this page to: Jaclyn Shepherd, Environment Canada, Office of Enforcement, Fax: (902) 426-2062.

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

II. Willing to Contribute

- _____ Contribute news items to Newsletter.
- _____ Make a link with existing INTERNET 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.

III. 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


IV. Preferred Means of Communication

E-mail _____ Mail _____ Fax _____ Telephone _____ Periodic Meetings _____

V. Include Contact in a directory of contacts for enforcement of hazardous waste import/export

Name: _____ Title: _____

Phone: _____ Fax: _____ e-mail: _____



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POSTAGE