
SUMMARY OF WORKSHOP: BUILDING EFFECTIVE IN-COUNTRY NETWORKS FOR ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT

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GOALS

To explore networks among complementary organizations within a country, and how they work together to more efficiently carry out compliance and enforcement objectives. In particular, to identify a set of elements that leads to successful in-country networks, as well as some of the difficulties that may be anticipated.

1 INTRODUCTION

Questions presented by facilitators:

- What have participants found to be, or think might be, effective in respect of in country networking for environmental compliance and enforcement and as sub-questions:
 - networking between who?
 - built how?
 - to achieve what?
 - formal versus informal?

2 DISCUSSION SUMMARY

Compliance and enforcement can mean different things to different people. For example, compliance can be: by a state with an international obligation (e.g. EU Member States are obliged to transpose EU Directives into their national legal systems), by a national body carrying out its duties (e.g. a regulating authority may be obliged to carry out certain tasks such as permitting or inspection), or by a regulated entity with whatever the law requires (e.g. an industrial operator must comply with obligations imposed in an environmental permit). Similarly, enforcement can be to

promote compliance even where non-compliance has not occurred (e.g. a regulating authority may take steps beyond what the law requires to help the regulated parties comply – this might be called “soft enforcement”), or to correct or punish non-compliance (e.g. criminal prosecutions, administrative penalties, etc. - “hard enforcement”).

Discussion in the workshop tended to focus on the issues of compliance by regulated entities, and enforcement actions, whether “soft” or “hard”, to promote or secure such compliance. Nevertheless, some general factors were identified as supporting the success of networks, whatever their purpose or level:

- networks need a champion – someone to spark action and give the network its drive;
- human interaction and trust between participants is essential – it may be important to build up these basic elements before embarking on more ambitious network activities that depend on them;
- networks tend to rely on good information exchange, whether through formally organized mechanisms or well-established but informal contacts.

A clear common purpose or interest is an obvious need. A geographic focus,

such as a common boundary around which different authorities operate, can also help, and may additionally mean that networking takes place at a more operational level, with more scope for direct follow-up action. In the USA, local-level task forces have been successful in agreeing upon enforcement strategies and actions between different environmental bodies charged with wildlife protection responsibilities. Such cooperation requires careful management of the dynamics in order to maintain consensus between the parties involved.

Some potential barriers to the success of networks were also noted. In addition to the absence of the success factors discussed above, these were thought to include:

- The bodies that employ people who can best participate in networks are not always willing to allow these people to invest the time to make a significant contribution. This creates a vicious circle whereby the network cannot realize its potential until more time is available from participants, yet employers are reluctant to allow staff to participate until results have been demonstrated.
- Particularly where networks are based on very individual contacts, a network can be badly affected if a core individual moves on to other responsibilities.

On the different types and purposes of networks, clearly there is no universal “right” answer. Different countries will have different needs and networking contexts. For example, in some countries where administrative arrangements are well established, there has been fruitful cooperation between established authorities. Examples of good practice were given concerning networking among Austrian provincial regulators who exchange information on how they discharge common legal requirements, and Italy’s twinning of more developed regulatory authorities with less developed ones. In contrast, elsewhere

there is a more pressing need to establish new administrative arrangements. In Croatia, for example, forming a new central environment agency is being considered to provide a coordinating function for lower level authorities.

On the question of whether networks best operate formally or informally, again there is no “right” answer. Formal groups can spin-off from informal networks, while conversely successful informal networks can sometimes become formalized. Similarly, there can be close links between international and in-country networks. For example, some EU Member States have internal networks to coordinate their input to the EU’s IMPEL network.

Finally, it was noted that networking in the realm of environmental compliance and enforcement does not always support direct compliance and enforcement activities. Useful networking can also be done on the broader compliance and enforcement context, for example, by lobbying efforts to ensure that regulatory authorities are adequately resourced.

3 CONCLUSION

Compliance and enforcement can mean different things to different people. Discussion in the workshop tended to focus on the issues of compliance with regulatory requirements by regulated entities, and enforcement actions to promote or secure such compliance. Some general factors were identified as supporting the success of networks, whatever their purpose or level:

- a champion – someone to spark action and give the network its drive;
- human interaction and trust between participants;
- good information exchange;
- clear common purpose or interest.

In addition to the absence of the above success factors, a further barrier to

effective in-country networking is that the bodies that employ people who can best participate in networks are not always willing to allow these people to invest the time to make a significant contribution.

In some countries there will also need to be greater emphasis placed on building up administrative structures in the first place, in order to allow for effective networking on compliance and enforcement to subsequently occur. Nevertheless, networking could also usefully be undertaken in respect of such institution building, for example to support lobbying aimed at

ensuring that institutions are effectively structured and resourced.

An off-the-shelf approach to producing networks is unlikely to be successful. In-country networks need to take account of local and national needs and priorities, and the networking context dictated by the level of development, administrative arrangements, etc. Common success factors can however be identified, such as a champion to give the network drive or focus, trust between participants, good information exchange, and a common purpose or interest.