
SUMMARY OF WORKSHOP: GOVERNMENT PROGRAMS TO ENCOURAGE AND RESPOND TO PUBLIC INVOLVEMENT IN ENFORCEMENT

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GOALS

- Identify Government programs and implementing methodology in regard to public participation.
- How do you make an effective progra?
- Identify ways for INECE to assist capacity building.

1 DISCUSSION SUMMARY

1.1 Experience In Programs On Public Participation In The Enforcement Process.

Participants from many different regions, organizations and expertise attended the workshop and shared their experiences on public participation programs. The America's, Africa, Europe, Middle East and South East Asia were represented. Participants stressed the importance of public participation in order to get better decisions, policies and legislation.

Costa Rica has no experience in government programs for public participation, but just recently developed environmental law. Israel developed a "clean law" in which about 5,000 citizens volunteer to enforce environmental law. These environmental guards, or clean law trustees, deal with minor offences (threatened with fines between 50 and 2,000 USD per case). The volunteers report to the Environmental Ministry, then the Ministry fines the violator. A staff of 15 deals with the complaints. In 1999, 5,000 complaints were issued. In 2001, 30,000 were issued, of which 20,000 were fined. Another 150,000 volunteers committed themselves not to pollute. Clean law is a big success. It changes behavior.

Sometimes even violators become environmental guards. In addition to the environmental guards, there are official government inspectors. They deal with law enforcement and severe environmental violations.

Lithuania has the same sort of system in regards to disposal of waste and waste management. Successful policies will be rewarded with presents, to promote compliance in general. The critical point is that the public or citizen inspectors are not allowed to check industrial installations. Another critical factor is that experts in the environmental department are not environmental specialists but instead they are journalists.

The United States moved from just giving information. Many communities have citizen advisory groups and technical assistance groups. Technical assistance is in the form of grants to communities to help develop community opinions, which are charged to the polluting companies. It helps towards public confidence. Their own expertise is used and there is direct influence and result. Advisory group comments a) have to prepare public documents to respond to comments, and can amend decisions based on community comment e.g. some issues have no acceptance and

b) are not considered successful unless community is accepting.

There are at least 3 types of public participation:

- call in complaint;
- offer thoughts on government enforcement action;
- citizen suits – (Note: in Costa Rica, this includes criminal proceedings, unlike the States).

Zambia has two programs of delegation of enforcement to the public: 1) illegal hunting (public is invited to become game rangers, with a permit to arrest poachers), and 2) environmental law enforcement and compliance program under World Bank.

Argentina does not have citizen enforcement, but it does have injunctive powers under the 1994 constitutional amendment. NGOs have standing, if they are affected. There is an ombudsman: Eminent damage to the environment needs to be proved.

UK has regulating industrial plans. Prior to the issuing of a permit, there is a right to public participation: usually no reaction, apart from some contentious applications. If that is the case, then public hearings will be organized, instead of written comments.

There are judicial reviews to challenge the environmental agency. NGOs receive subsidies from the government. The public has prosecution rights, but it remains difficult for the public to obtain evidence. There is a pollution hotline and 'spotlight on the environment'.

EU developed the liability directive. A person who causes harm should recover the harm. Public authorities have a duty to assess harm, public rights to statement. The EU is also developing a directive on access to justice.

Asian Development Bank has information on its website. Grants build in

workshops. Inspection function people can bring a complaint, and remedial action can be taken. There is also good experience with public hearings.

Bolivia has no public participation because of poverty in rural areas. When people become affected by the industry, then the public will be involved.

1.2 Critical Success Factors And Lessons Learned: How To Manage An Effective Program?

Despite the difference in legal, technical and development level of the countries participating in the workshop, it was possible to define some basic principles that are necessary for developing effective programs to involve the public. These principles are:

- environmental education;
- public awareness;
- (regulations on) access to information and public participation;
- varying information tools (according to tradition and national system);
- government's willingness to change and respond to submissions and comments by the public;
- standing rights for citizens and NGO's.

The government has an obligation to respond to public comments. If the community does not accept a plan, then the government should not proceed. Governments need to be responsive and not force on an obligatory rule the community does not like. Critical factor is that when nothing is done with public comments, people feel it is useless and never respond anymore.

Environmental impact assessment and public participation should be regulated in legislation. Improvement of the environment needs involvement of local municipalities. Self-government could be used as a sort of 'in between' solution.

1.3 What Should Be The Public Participation Components Of Projects Under The Draft INECE Strategic Plan?

The INECE network could be used, on a case study basis, to review the critical success factors and lessons learned. A report with the analyses of the results and recommendations on principles on involving the public in enforcement could be used to create new government programs. This would be specifically helpful for countries that do not have experience in public participation or do not have frameworks on public participation. Exchange of best practices can also be reached through the organization of regional meetings.

2 CONCLUSION

The Workshop dealt with government programs to encourage and respond to public involvement in enforcement. Participants from many different regions, organizations and expertise attended the workshop and shared their experiences on public participation programs. The America's, Africa, Europe, Middle East and South East Asia were represented. Participants stressed the importance of public participation in order to get better decisions, policies and legislation.

The goals of the workshop were:

- Identify Government programs and implementing methodology in regards to public participation.
- How do you make it an effective program?
- Identify ways for INECE to assist capacity building.

These goals were met through identifying the critical success factors and lessons learned.

One of the main difficulties in identifying the common grounds between the government programs on public participation appeared to be the difference in legal, technical and development level of the countries participating in the workshop.

Despite these differences, the workshop was able to define some basic principles that are necessary to develop effective programs for involving the public. These principles are:

- environmental education;
- public awareness;
- regulations on access to information and public participation;
- varying information tools (according to tradition and national system);
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