
SUMMARY OF WORKSHOP: DEVELOPMENT OF SUSTAINABLE REGIONAL ENFORCEMENT AND COMPLIANCE NETWORKS: ELEMENTS AND EXAMPLES

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GOALS

Share examples of successful activities that have helped establish and strengthen regional networks and establish a list of common elements for success.

1 INTRODUCTION

Focused on the role regional/sub-regional organizations can play in compliance and enforcement of multilateral environmental agreements. Participants will: examine and evaluate current institutional framework of regional organizations their linkages at national and international levels; identify constraints in compliance and enforcement at regional levels and their impact at national and internal level; identify a set of innovative capacities that could bring about effective compliance and enforcement; and revolutionize approach to thought in compliance and enforcement.

2 PAPERS

- Marc Proost, CLEEN: *The Need for a Separate Enforcement Network for Enforcement of Chemicals Legislation in the EU* (6th Conference Proceedings, Volume 1)
- Vaclovas Berinskas, *Successful Implementation of IMPEL Concepts and Recommendations in Lithuanian Environmental Protection System* (6th Conference Proceedings, Volume 1).
- Katerina Lacovidou-Anastasiadou and Anastasia Kotronarou, *The IMPEL Food Project: Environmental Compliance and*

Enforcement to Selected Sub-Sectors of the European Food Industry (6th Conference Proceedings, Volume 1).

3 DISCUSSION SUMMARY

Robert Glaser began the discussion by describing some key elements he has found to be crucial to forming a successful regional network. First, you must start networking between people with common interests and find devoted individuals to start the work. Those individuals must create the policy support and find followers. The next steps are:

- Develop common denominators.
- Establish a Secretariat.
- Get country profiles of each country in the network.
- Establish exchange programs – create opportunities for inspectors or other staff to get to know each other socially; informal networks are important.
- Look for projects that connect countries, trans-border pollution, etc.
- Show products to interested managers and get funding for continued operations.

These steps worked during the creation of IMPEL and are being used in the creation of BERGEN, the network of Baltic States.

Terry Shears spoke further of the

IMPEL experience. They initially overcame skepticism by developing a useful product. Their first results included documents on minimum criteria for inspections. This product was subsequently adopted as a standard for the European Union, and now IMPEL has to implement through training and reports on commonalities between countries.

Terry continued by saying that networks can't be inwardly focused. It is not enough to produce reports for the members of the network. Rather you must advertise to a wider audience and make the products of the network useful to a wide range of users. Daniel Geisbacher reinforced the need for support and funding to start a network and questioned how it could be done without outside support.

Pavel Sremer said that strengthening of networks could be achieved by sharing information. How have existing networks facilitated that exchange without releasing confidential information? Robert Glaser agreed that confidentiality between countries can be difficult, but is a necessity for an honest flow of information. However, everyone must understand that there will be some restrictions on information due to confidentiality concerns.

Daniel Sabsay stressed that the network must find transferability in their work. Robert replied that the country profiles should include an assessment of the member countries' needs so that the network can focus on transferable products that respond to the needs of the member countries.

Sladjana Miodic discussed the importance of starting a secretariat. The network should be careful selecting the individuals that will staff the secretariat. The network should clarify goals and objectives early on to avoid frustration and confusion. It should also be advertised; if it is not well known that you are in the process of starting a network and secretariat, it is

very hard to generate support. In addition, you need a clearly defined purpose and mission to show to supporters or potential supporters.

Maria Di Paola asked how to maintain a network once it is started? What is important to keep a network alive? Waltraud Petek replied that the network must be beneficial for the participants in order to survive. To demonstrate the benefits, the network must involve the right people, including multiple people from each country to spread the interest. The work must not overburden individuals, but spread work so that more people are involved. Create results that directly benefit each country. An example in Europe occurred when a company complained that other countries treated the company better and threatened to leave. IMPEL discussion showed otherwise, and that the governments required the same standards in whichever country. The managers were able to respond to the company and show that the company would be treated equitably across the region. The network should look for activities that will engage lots of people, such as the work on cement kilns that drew people from all over Europe. A regional network can also help compare requirements among nations to ensure that no one country offers economic advantage, a particular necessity in the European Union.

The European situation does not always apply worldwide. For example, the Council of Environmental Cooperation (CEC) represents the network for North America. The borders of USA, Canada, and Mexico are not as open, and there is not so much interchange possible since each country sacrificed some autonomy to join the European Union. Nonetheless, the CEC was set up with strong principles of cooperation and a network was formed from that framework and was built with some expectation of sustainability

Joseph Milewski asked what resources are required to maintain a network. Terry Shears replied that he is the only IMPEL staff. But human resources are more important than money and can be drawn from member countries' staff. People's time and enthusiasm are more important than funds. The network has no budget, therefore the member countries supply the rotating staff and fund specific projects as they see fit.

Marie Di Paola stated that in Latin America, particularly South America, different characteristics make the development of a sustainable network more difficult. Dissimilar situations, both economic and institutional make regional harmonization difficult despite a common language and culture. Chile and Bolivia are associated countries but vastly different. However, everyone recognizes the need to create a level playing field in the region. There is a need to determine what profile they want for MERCUSOL? Is the goal to develop a common market similar to NAFTA, or to solely focus on environmental issues only? Is MARCOSUR just about interaction? Now it is just at the governmental level, and does not include NGOs

In May, they will hold a meeting and will explore existing ways of interacting to optimize relationship and work in Latin America. However, they need more analysis and a common environmental protocol. No current decisions have been made and they are beginning to take baby steps. Robert Glaser added that the south looks north for economics. But, the northern countries are saying no to trade without environmental protections. An excellent use for regional networks is to create a push for countries to improve their environmental management in preparation for trade with other regions.

Geoff Garver suggested that the development of cooperation on enforcement and environmental protection can

flow directly from economic integration. There are similar challenges linking the United States and Mexico, but certain principles have emerged. There is recognition of sovereignty concerns and that states have to make their own laws internally. But there must be mechanisms for cooperation in some areas and work on common approaches.

Beatrice Olivastrì asked if regional networks are set up to deal with new or evolving issues such as the Cartagena protocol for trafficking genetically modified organisms. Are there international/regional solutions? There do not appear to be regional efforts to control this cross-boundary issue. NGO's can be better suited than governments to keep up with emerging issues.

Yvan Lafleur stressed that as networks are formed, they should maintain their focus. Many groups spread their resources too widely and begin to tackle issues beyond enforcement. Problems may be regulatory or legislative and there is no role for enforcement; regional enforcement networks cannot do everything. There must be networks at other levels and dealing with other issues, but all networks must flow down to operational level.

According to Ignacio Gonzalez, the CEC enforcement group has institutionalized the network. It is more than just networking; it has formed permanent working groups and an annual agenda that includes a review of ongoing projects and identification of environmental concerns for integrated work. During the development of the annual agenda, common environmental problems in each country are identified and the workgroups decide how to cooperate on those problems. In this way, new problems are brought to table and the group decides how to best address. Projects are then delegated to various task forces to implement. The overarching enforcement working group reviews and oversees the

projects, and prioritizes between projects where resources are limited.

Antonio Benjamin turned the conversation to the role of INECE in developing Regional networks. He said that the group was discussing two different aspects of the same problem and the answers are different. First, how can INECE regionalize outreach? There is no other way than to work with regional institutions already in place. INECE does not have the resources to reinvent existing work or organizations, so we must work with existing institutions such as MERCASUR or the parties to the Amazonian treaty. The institutions must be willing to work with INECE and support co-proposals that carry more clout than proposals from single organization.

We should also look at how we ourselves work more in network. There is no global answer for the entire world. There are different levels of development, ease of travel, etc. However, there is a common recognition of the importance of enforcement in region.

With this in mind, INECE should approach existing organizations to incorporate enforcement into their mission rather than creating a separate network. This also has benefits because policy makers need to hear about enforcement, and if we are part of their organization we can more easily inform them. Maria DiPaola agreed that existing institutions are the policy makers, and they don't have a knowledge base about enforcement. We should sell the idea as a positive aspect of their work that they need.

Antonio Benjamin contrasted the development of NAFTA to current trade agreements such as the ANDEAN treaty and agreements being developed in Africa. NAFTA was a fairly mature agreement to which environmental enforcement was added as an afterthought. It may be working well, but it could be better incorporated into the terms of the agreement. As the rest

of the world is developing similar agreements, INECE can help get enforcement issues into the agreements earlier in the process and in a more coordinated way.

Maria Comino asked how existing networks deal with divergent cultures and languages. For example, in the Asia/Pacific region, there are three continents with multiple languages leading to huge communication problems. Sub-Regional groupings may be effective, but integrating them up to regional groupings and further up to INECE is very difficult. Terry Shears responded that if you can find and use one common language, it helps tremendously. (English or other) INECE uses English, but the NIS countries use Russian. They are developing a glossary and translations to commonly define terms to standardize the discussions.

Yvan Lafleur agreed that language has been a major issue in the CEC. In North America, if the network only uses English, they lose Mexicans. If the meetings are held in Spanish, you lose both the Canadians and the Americans. Now they are working in all three languages (but not always for meetings). All publications are in three languages. This is very difficult in three languages, could it become impossible with more? Any network should push for translation of all information into all relevant languages.

Networks need to decide how to include all stakeholders including NGO's and industrial groups. Whether they are included in the membership or not, they should be part of the formation of the scope and design of the network, since it does directly affect them. Aid banks should also be involved to take advantage of their experience enforcing environmental management systems and checking on the due diligence of a company or project. Banks are now doing checks on environmental and social issues prior to issuing loans. They must make decision on level of risk in

company and beginning to collaborate with the various ministries of environment to find out if the company has risks. Banks often offer training to problematic companies. This is one example of collaboration between private sector and public.

3 CONCLUSION

Maria DiPaola concluded that we have more questions than answers in developing networks. While trying to build or enhance enforcement and compliance is a big job, and we are always dealing with how to handle scope. What are the concepts that we need to consider when we design scope of network, who are the actors, what are the main issues, and what are the goals? Some key factors for sustainable networks are:

- The scope and goals should be focused, well defined, and widely publicized.
- All key stakeholders should be involved with developing the scope, even if they are not to become “members” of the network.
- The network should focus on common elements and needs among the states.
- It should develop products that generate interest among members.
- The products must be well advertised to increase participation.
- The scope and membership should be flexible enough to shift as member’s needs change.
- All participating countries must contribute, in some part, to the network’s success.