



PROGRAM

7th INTERNATIONAL CONFERENCE ON ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT

MAKING ENVIRONMENTAL LAW WORK: ENVIRONMENTAL COMPLIANCE AND SUSTAINABLE DEVELOPMENT

9 - 15 April 2005

Marrakech, Morocco

Conference Goals

Communicate a strong message on the critical role of environmental compliance and enforcement in strengthening the rule of law and good governance and, ultimately, in achieving sustainable development objectives.

Strengthen the capacity of governments, development banks, and other institutions to measure and manage the effectiveness of their compliance assurance and enforcement activities by launching new environmental compliance and enforcement indicator pilot projects that build upon the experiences of current initiatives.

Inspire new enforcement cooperation projects on issues of pollution, natural resources, and biodiversity, and design plans that set forth clearly defined goals, project partners, funding strategies, and implementation.

Facilitate professional development within the compliance community and discuss the best compliance and enforcement tools, techniques, and theories from around the world, identifying key research and data collection needs.

Saturday, 9 April 2005

8:30-16:30 **INECE Regional Conference for Morocco and Northern Africa**

In conjunction with the Moroccan Ministry of Territory Planning, Water, and Environment, INECE will host a Regional Conference for local and regional professionals on issues of particular relevance to Morocco, North Africa, and the Mediterranean region. Issues for consideration include compliance strategies and needs in Northern Africa, implementation of multilateral environmental agreements, compliance challenges, compliance and enforcement indicators, lessons learned from other regional enforcement networks, and a strategic plan and potential capacity building partners for a Northern Africa regional network. [Conducted in French with limited English translation]

10:00-18:00 *Exhibit Setup*

19:00-21:30 **EVENING EVENT** [*Invitation only*]

* * *

Sunday, 10 April 2005

9:00-18:00 *Exhibit Setup (continued)*

8:00-18:00 **CONFERENCE REGISTRATION**

INECE Business Activities

11:00-12:30 Executive Planning Committee Meeting

14:30-15:30 Meeting for Speakers and Moderators

15:30-16:30 Training Sessions for Workshop Facilitators and Rapporteurs

9:00-17:00 **Principles of Environmental Enforcement Training**

INECE will present an executive version of its core course for participants and local practitioners that are designed to build capacity for implementing compliance and enforcement programs in a variety of governments and cultures. This course will stimulate participants to think creatively about how to implement national goals, laws, and requirements in a manner that effectively changes behavior in society to achieve desired environmental results. The course will focus on good governance and enforcement as applied to water and waste issues.

18:00-20:30 **OPENING CEREMONY** (*with hors d'oeuvres*)

Welcoming Remarks from Mohamed El Yazghi, Minister of Territory Planning, Water, and Environment, Morocco

* * *

Monday, 11 April 2005

Day Chair: Gerard Wolters, Inspector General, Netherlands Ministry of Housing, Spatial Planning, and the Environment (VROM)

8:30-8:45 WELCOMING REMARKS

Welcome by Mohammed Lididi, Deputy Minister of Justice, Morocco

8:45-9:00 OPENING REMARKS by Gerard Wolters, Inspector General, VROM

9:00-9:30 KEYNOTE ADDRESS

Mohamed El Yazghi, Deputy Minister of Territory Planning, Water and Environment, Morocco

9:30-11:00 PANEL 1

Relationship between Good Governance and Environmental Compliance and Enforcement

Purpose: To demonstrate how compliance and enforcement are building blocks for the rule of law and good governance and, ultimately, for sustainable development, and to emphasize the need for improving communication between lawmakers and enforcement practitioners to ensure better legislation. This panel will explore the roles of civil society, environmental ministries, parliamentarians, judges, and the press in environmental compliance and enforcement and ways to confront corruption and ensure transparency.

Moderator:

Sir John Harman, Chairman, Environment Agency (England and Wales)

Panelists:

Jonathan Allotey, Executive Director, Environmental Protection Agency, Ghana

Pieter van Geel, State Secretary for the Environment, the Netherlands

Ladislav Miko, Deputy Minister of the Environment, Czech Republic (European Commission DG Environment Directorate B, *Designate*)

Kenneth Ruffing, Organisation for Economic Co-operation and Development

11:00-11:15 BREAK and PRESS CONFERENCE

11:15-12:30 PANEL 2

The Compliance and Enforcement Message

Purpose: To provide participants with the tools and messages necessary to foster a culture of compliance and enforcement in their organization, home country, and region. This panel will include discussion of the benefits/costs of enforcement, tools for promoting success, and new approaches to compliance.

Moderator:

Bakary Kante, United Nations Environment Programme

Panelists:

Sheila Abed, International Union for Conservation of Nature and Natural Resources (IUCN) and IDEA, Paraguay

Antonio Benjamin, Law for a Green Planet Institute, Brazil

Ken Cook, Environmental Working Group

John Cruden, U.S. Department of Justice

12:30-14:00 LUNCH

14:00-16:00

WORKSHOP 1

Exploring Current Environmental Compliance and Enforcement Topics

1A Economic Aspects of Compliance and Enforcement

Discussions about strengthening enforcement systems in the context of designing policies that stimulate economic growth have shown the need to develop and promote a more systematic assessment of the incentive structures facing firms and the need to provide governments with approaches that can generate, and optimize the use of, public and private expenditure on compliance and its assurance. A systematic assessment can help reduce the costs of government compliance monitoring and enforcement, as well as compliance costs by firms. The workshop will build on the results of the Organisation for Economic Co-operation and Development's (OECD) Global Forum on Sustainable Development Conference on Economic Aspects of Environmental Compliance Assurance, which was held on 34 December 2004. Participants will discuss economic incentives for compliance and economic motivations for noncompliance.

Facilitators: Krzysztof Michalak, OECD
G.H.J. Ranter, The Netherlands

1B Compliance Incentives and Other Assistance

This workshop will examine the incentives countries are using to promote compliance and improved environmental performance generally. This workshop will provide an overview of compliance assistance and incentive options for application in a variety of situations. The participants will be able to use this output to improve national compliance programs.

Facilitators: Rene Drolet, Environment Canada
Thomas Maslany, United States

1C Ecomessage/Interpol and the Police

This workshop will assess the ways Ecomessage, a system developed by the International Criminal Police Organization (Interpol) to facilitate sharing of information about international environmental crimes, can foster improved enforcement coordination at the inter-agency and international levels, including the police. The workshop will provide participants with sufficient background on Ecomessage, so their organization can participate in the international program at an inter-agency level.

Facilitators: William Clark, IFAW
Andrew Lauterback, U.S. EPA/Interpol

1D Compliance and Enforcement Theories and Design Principles

This workshop will explore ways participants can evaluate and apply in their home organization a wide variety of compliance and enforcement theories and program design principles that have emerged, considering the unique circumstances in each particular program and in each cultural setting.

Facilitators: Lee Paddock, IUCN
Marcia Mulkey, United States

1F Information Management, Reporting Requirements, and Self-monitoring

This workshop will also discuss the key opportunities and barriers in establishing sufficient incentives for enterprises to provide good quality information using self-monitoring. The workshop will additionally address the role of self-monitoring in reviewing compliance with environmental permits.

Facilitators: Donna Campbell, New South Wales Environment Protection Authority, Australia

Markku Hietamäki, Finland

1G Good Governance and the Rule of Law

This workshop will explore the vital role of good governance practices and the rule of law in promoting sustainable development and environmental protection and management. This workshop will identify the key elements of good governance and the basic traits of societies governed by the rule of law, and will then analyze the linkages among environmental governance, rule of law, compliance and enforcement, and policies for poverty alleviation and sustainable development.

Facilitators: Myriam Linster, OECD

Adriana Bianchi, World Bank Institute

1H Communications Policy and Practice

This workshop will show how to profit from the power of communication in the enforcement process. The workshop will not only provide theoretical background information on the various aspects of communication, but will also involve the immediate translation of theory to actual enforcement results.

Facilitators: John Cruden, U.S. Department of Justice

Krystyna Panek-Gondek, Poland

Charles Sebukeera, United Nations Environment Programme

1I Citizen Participation in Environmental Enforcement

This workshop will explore citizens' access to environmental data – both public and private – from the 1966 U.S. Freedom of Information Act to the 1998 UN/ECE Aarhus Convention, as well as the unique role that citizens play in the enforcement process once access to environmental data is granted. The first part of the workshop is devoted to information disclosure to the public. The second part of the workshop examines how this theme is reflected in actions by citizens groups and in laws that seek to more directly involve citizens in the enforcement of environmental laws through citizen suits, reporting of alleged violations to the government, etc.

Facilitators: Barry Hill, U.S. Environmental Protection Agency

Georges Kremlis, European Commission

Katia Opalka, Commission for Environmental Cooperation

Romina Picolotti, Center for Human Rights and Environment,
Argentina

16:00-17:00 Report Out from Workshop Session 1

Moderator: Bharat Mathur, U.S. Environmental Protection Agency

Each workshop will designate a representative to report the results in plenary.

19:30 DINNER AT HOTEL

Keynote: Bakary Kante, United Nations Environment Programme

* * *

Tuesday, 12 April 2005

Day Chair: Phyllis Harris, Principal Deputy Assistant Administrator, Office of Enforcement and Compliance Assurance, United States Environmental Protection Agency

9:00-10:30 **PANEL 3**

Enforcement Initiatives: Stories of Success

Purpose: To highlight successful enforcement initiatives and to inspire future successes. The speakers will present compelling stories that tie success to the three goals of INECE: 1) raising awareness of compliance and enforcement; 2) developing networks for enforcement cooperation; and 3) strengthening capacity to implement and enforce environmental requirements.

Moderator:

Ken Cook, Environmental Working Group

Panelists:

William Clark, International Fund for Animal Welfare (IFAW)

Antonio Oposa, Philippines

Justice Adel Omar Sherif, Egypt

Walker Smith, U.S. Environmental Protection Agency

10:30-10:45 **BREAK**

10:45-12:15 **PANEL 4**

Environmental Compliance and Enforcement Indicators: Measuring Performance, Managing Resources

Purpose: To present experience from designing and implementing environmental compliance and enforcement (ECE) indicators, including their purpose, scope, benefits, and practical application. The participants will also discuss the finalization of the *INECE Performance Measurement Guidance for Compliance and Enforcement Practitioners* and further steps to promote the use of ECE indicators through pilot projects, additional analysis, and exchange of experience at the national and international level. This panel is co-organized with the Organisation for Economic Co-operation and Development (OECD) in the framework of the OECD Global Forum on Sustainable Development.

Moderator:

Paula Caldwell, Environment Canada

Panelists:

Myriam Linster, OECD

Maria di Paola, Fundación Ambiente y Recursos Naturales, Argentina

Michael Stahl, U.S. Environmental Protection Agency

12:15-13:30 **LUNCH**

13:30-15:30 **WORKSHOP 2**

INECE Compliance and Enforcement Indicators and Other Current Topics

Representatives from Argentina, Brazil, Canada, Costa Rica, Russia, the United States, and others from the INECE Expert Working Group on Indicators will lead a series of workshops to introduce the concept of environmental compliance and enforcement (ECE) indicators and discuss basic components of program design and implementation. Drawing from the

experiences of our workshop leaders, the workshops will provide guidance to practitioners for identifying, implementing, and using ECE indicators and will discuss issues such as costs, lessons learned, and the values, benefits, and need for ECE indicators. Participants registered for the indicators topic will be assigned to workshop sessions.

2A ECE Indicators: Getting Started

A-1 Facilitators: Dave Pascoe, Environment Canada
Angela Bularga, Regulatory Environmental Programme
Implementation Network / OECD

A-2 Facilitators: Michael Stahl, U.S. Environmental Protection Agency

A-3/A-4 Facilitators: Maria Di Paola, FARN, Argentina
Myriam Linster, OECD
Jose Pablo Gonzalez, Costa Rica
Kenneth Markowitz, INECE Secretariat

Participants will have the option of exploring additional current topics in compliance and enforcement:

2E Criminal Law and Environment: Prosecutors, Inspectors, Police and Nongovernmental Organizations

This workshop will focus on the various roles of prosecutors and inspectors in enforcement and on how the public and NGOs can play a role in the process (providing information and leads, public pressure, etc.). The workshop will generate a list of principles and best practices for cooperation and coordination among investigators, prosecutors, and other environmental and enforcement officials.

Facilitators: Antonio Benjamin, Brazil
David Uhlmann, U.S. Department of Justice

2F Role of the Courts, Nongovernmental Organizations, and the Press: Climate Litigation Case Study

Workshop facilitators will explain what elements of climate change and its causes make litigation a possible tool, will provide an overview of cases that have been brought around the world to spur action on climate change. Discussion will focus on ways that national and international laws may be used to address climate change polluters (whether nations or industries). The workshop will also address the important role that media and NGOs play in the climate issue and in litigation strategies.

Facilitators: Peter Lehner, New York Attorney General's Office
Catherine Pearce, Friends of the Earth, UK

2G Compliance with and Enforcement of Multilateral Environmental Agreements

In this workshop, the United Nations Environment Programme (UNEP) will introduce the Guidelines and Manual designed to assist countries in implementing, complying with, and enforcing multilateral environmental agreements. Participants will learn how to use the checklists, case studies, explanatory text, and annexes to enhance compliance and enforcement. Participants will also be invited to share their own experiences of compliance with and enforcement of multilateral environmental agreements and provide feedback to UNEP for improving the Manual.

Facilitators: Elizabeth Mrema, UNEP
Carl Bruch, UNEP

2H Wildlife Enforcement Network

Workshop participants will work to identify tools to encourage information sharing among wildlife enforcement experts at the interagency and international levels. The workshop will result in a mechanism for coordination and exchange of information regarding wildlife enforcement, including input from various relevant organizations and agencies.

Facilitators: Azzedine Downes, International Fund for Animal Welfare
Yvan Lafleur, Environment Canada
Ladislav Miko, Czech Republic (European Commission DG
Environment Directorate B, *Designate*)

2I Negotiated Compliance Agreements

In this workshop, participants will discuss their use of negotiated compliance agreements. The workshop will enhance understanding of what elements should be, might be, and should not be included in an agreement; why certain unique elements have been included in some past agreements; and where and how this process is used. The workshop will also generate agreement on general principles for producing agreements that will result in timely compliance.

Facilitators: Ike Ndlovu, Department of Environmental Affairs and
Tourism, South Africa
Susan Bromm, U.S. Environmental Protection Agency

REFRESHMENTS will be served in Workshop rooms.

15:30-16:30 ROUNDTABLE DISCUSSION FROM INDICATOR WORKSHOPS 2A 1-4

The participants in each of the Indicators Workshops will select a leader to report out the results in a moderated roundtable discussion.

Moderator: Michael LeRoy-Dyson, Auckland Regional Council, New Zealand

16:30-17:00 REPORT OUT FROM WORKSHOP SESSIONS 2E – 2I

Moderator: Sibusiso Gamede, BASEL Convention Regional Centre, South Africa

19:00 *DEPARTURE FOR DINNER AT CHEZ ALI*, a Moroccan cultural experience that combines a dinner of traditional Moroccan dinner with entertainment by local musicians and dancers.

* * *

Wednesday, 13 April 2005

9:00-various FIELD VISIT

In conjunction with the Moroccan Ministry of Territory Planning, Water, and Environment, INECE has arranged for a field trip led by local experts. INECE will distribute in advance short case studies of the sites. Participants will travel by bus to:

Ciments du Maroc (CIMAR) - Voluntary dust and gas reductions; ISO 14001 certification

Sidi Kaouki - Alternative energy for rural areas

Village des Potiers - Emissions reductions from pottery production

18:00-22:00 *DINNER ON YOUR OWN* - Visit *Jamaa-el-fna* (the central market) and explore Marrakech. INECE will provide a list of suggestions for dinner and other activities.

* * *

Thursday, 14 April 2005

Day Chair: Phyllis Harris, Principal Deputy Assistant Administrator, Office of Enforcement and Compliance Assurance, United States Environmental Protection Agency

9:00-11:00 **PANEL 5**

Strengthening the Implementation of Multilateral Environmental Agreements

Purpose: To identify opportunities to improve implementation of multilateral environmental agreements (MEAs) at the national and sub-national levels, including developing synergies, identifying mechanisms to improve enforcement and accountability, and strengthening cooperation with MEA Secretariats.

Moderator:

Donald Kaniaru, Kenya

Panelists:

Wildlife/biodiversity: (CITES, Lusaka Agreement, Convention on Biological Diversity)

Elizabeth Mrema, United Nations Environment Programme

Rosalind Reeve, International Fund for Animal Welfare

Air/climate: (Montreal Protocol, Kyoto Protocol)

Gilbert Bankobeza, Ozone Secretariat

Iwona Rummel-Bulska, World Meteorological Organization

Chemicals: (Basel, Rotterdam, and Stockholm Conventions)

Sibusiso Gamede, Basel Convention Regional Centre, South Africa

11:00-13:30 **BREAK/LUNCH**

13:30-16:00 **WORKSHOP 3**

Networking to Improve Enforcement Cooperation

The workshops are designed to strengthen INECE topic-specific networks and foster enforcement cooperation activities in through INECE regional networks and benefit from multi-disciplinary synergies to improve the implementation, compliance, and enforcement of environmental laws in projects in the INECE Strategic Implementation Plan.

3A Water Resource Management: Governance to Eliminate Poverty

Workshop participants will identify the ways that good governance can respond to and diminish the unequal effects of water pollution on impoverished and disadvantaged populations, including exploration of the South Africa Water Tribunal. This workshop will include country-based experiences with eliminating poverty by utilizing appropriate water resource compliance and enforcement mechanisms. Workshop participants will identify relevant indicators and networking opportunities to develop projects and workable action plans.

Facilitators: Romina Picolotti, Center for Human Rights and Environment, Argentina

Barry Hill, US Environmental Protection Agency

Cezar Natividad, Department of Environment and Natural Resources, Philippines

3B Vessel Pollution

Workshop participants will discuss the successes and failures of existing compliance and enforcement mechanisms to limit pollution, including oil, wastes, and CFCs from marine vessels, and will propose innovative methods to remedy current gaps in enforcement.

Facilitators: David Uhlmann, U.S. Department of Justice
Katia Opalka, Commission for Environmental Cooperation

3C Hazardous Waste at Ports

Workshop participants will design a project to improve enforcement to reduce illegal shipments of hazardous wastes through ports, considering success stories (including the IMPEL-TFS project), potential new partner countries, and synergies with the Green Customs Initiative.

Facilitators: Robert Heiss, U.S. Environmental Protection Agency
Henk Ruessink, VROM / IMPEL-TFS

3D Analyzing the Compliance and Enforcement Mechanisms of the Montreal Protocol

Workshop participants will analyze the compliance and enforcement mechanisms of the Montreal Protocol, and will discuss linkages with relevant multilateral environmental agreements, including ways to apply lessons learned in enforcing the Montreal Protocol to other MEAs.

Facilitators: Jim Curlin, UNEP, Division of Technology, Industry, and Economics
Gilbert Bankobeza, Ozone Secretariat

3E Enforcement of Emissions Trading Programs

Participants will develop a framework of good practices for emissions trading enforcement and will propose a meaningful agenda to build upon the results of the INECE-Environment Agency (England & Wales) Int'l Conference on Compliance and Enforcement of Trading Schemes to build credible global markets. The workshop will result in a strategy for INECE to coordinate its enforcement of emission trading activities with IMPEL. Participants will gain ideas for the application of trading opportunities in their own countries.

Facilitators: Neil Davies, Environment Agency (England and Wales)
Chris Dekkers, VROM
Joe Kruger, Resources for the Future

3F Illegal Logging: Regional Strategies for Enforcement Cooperation

This workshop will build upon the results of the INECE-EIA Workshop on Increasing International Enforcement Cooperation to Control Transboundary Trade in Illegally Produced Logs and Timber. Participants will discuss ways to improve the methods to control trade in illegally produced forestry products, including the role of markets to manage illegal trade.

Facilitators: Antonio Benjamin, Law for a Green Planet Institute, Brazil
Yvan Lafleur, Environment Canada

3G Penalties and Other Remedies

Workshop participants will compare how judges around the world remedy the environmental violations found in their societies. Participants will then develop strategies to ensure that judges and other judicial officers are better informed about

environmental crime, with resulting improvements in enforcement, including creative remedies.

Facilitators: John Cruden, U.S. Department of Justice
Justice Vladimir Pasos de Freitas, Brazil
Justice Amadeo Postiglione, Italy

3H Multilateral Environmental Agreements: Synergies for Compliance

This workshop will focus on the role of compliance and enforcement indicators in assessing the implementation of multilateral environmental agreements at the national level. Participants will discuss political, economic, and social factors that affect the success or failure of MEA implementation in developing countries, and will identify appropriate indicators to measure the effectiveness of a country's MEA enforcement program.

Facilitators: Carl Bruch, United Nations Environment Programme
Elizabeth Mrema, UNEP
Alberto Ninio, World Bank

REFRESHMENTS will be served in the Workshop rooms.

16:00-17:00 **REPORT OUT** from INECE Cooperation Project Workshops

Moderator: Wout Klein, VROM

Each workshop will designate a representative to report the results in plenary.

EVENING ACTIVITY AT LE COMPTOIR

* * *

Friday, 15 April 2005

Day Chair: Gerard Wolters, Inspector General, VROM

09:00-10:30 **PANEL 7**

The Role of International Financial Institutions in Compliance and Enforcement

Purpose: To discuss the role of multilateral development banks and other in environmental compliance and enforcement. Panelists will discuss measures to ensure internal compliance with the banks' own environmental and sustainable development policies (inspection panels, compliance advisors and offices, accountability mechanisms, etc.), as well as the role banks can play in supporting environmental compliance and sustainable development in the countries receiving funding (e.g., indigenous policies, environmental impact assessments, and other relevant activities). Panelists will brainstorm with conference participants on practical mechanisms to improve environmental governance and to meet sustainable development objectives.

Moderator:
Adriana Bianchi, World Bank Institute

Panelists:
Sheng Shuo Lang, Multilateral Fund for the Montreal Protocol Secretariat
Alberto Ninio, World Bank
Dariusz Prasek, European Bank for Reconstruction and Development

10:30-11:00 **BREAK**

11:00-11:30 **FILM** *on the results of and lessons learned during the Conference*

11:30-13:00 **PRESENTATION OF THE CONFERENCE STATEMENT AND DISCUSSION OF THE
FUTURE OF COMPLIANCE AND ENFORCEMENT**

Moderator: Gerard Wolters, VROM

Conference participants will have an opportunity to provide comments and feedback on the future of environmental compliance and enforcement, as well as on the results of the Conference. Members of the INECE Executive Planning Committee will participate actively in this session.

13:00-14:30 **CLOSING CEREMONY and ADJOURNMENT**, *including Lunch.*

14:30-15:00 **PRESS CONFERENCE**

* * * * *