

RELATIONSHIP BETWEEN GOOD GOVERNANCE AND ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT

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It is a pleasure and an honor for me to be able to participate in this important Conference.

To express what its 30 Members mean by good governance, the OECD, through its Public Management Committee, has adopted a set of six principles: rule of law, accountability, transparency, efficiency and effectiveness, responsiveness, and having a forward-vision. The content of most of these is similar to those in the European Commission White Paper referred to by Sir John Harman, but OECD also attaches importance to cost-effectiveness and places considerable emphasis on having a forward vision.

Evidently, good governance is likely to lead to environmental improvement; its absence certainly hampers countries' efforts to maximize the benefits of environmental policies and to minimize the potentially negative impacts of some economic sector policies on human health and the environment.

Good governance is a necessary, but insufficient, condition to ensure better environmental management. Additional specific elements which fall under the heading of environmental governance are also necessary. The most important are:

- consensus/science-based objectives (differentiated by time) appropriately reflected in policies, laws, and regulations;
- attention to the full regulatory cycle with appropriate mixes of policy instruments (regulatory, economic, social, etc.); sector policy integration; compliance monitoring, assurance, and assessment;

- an appropriate institutional framework (including a clear allocation of responsibilities and powers to national and sub-national levels of government);
- provision of information, including the right of access to it as provided for, e.g., in the Aarhus Convention; public participation; and access to an impartial judiciary.

In many OECD countries, environmental agencies or ministries have been at the forefront in developing good governance practices, notably by fostering greater openness and participation in decision-making processes.

In ensuring good environmental governance, there are mutually reinforcing roles for three key actors:

- government: parliamentary bodies and regulators can help foster a culture of compliance by using the most cost-effective policy instruments (and mixes) possible, which will often be economic instruments (such as emissions trading, and environmental taxes and charges, sometimes complemented by voluntary approaches), and by providing access to information (e.g., pollution releases and transfer inventories);
- an independent and impartial judiciary to which private citizens have access as plaintiffs is essential for assisting governments in maintaining effective environmental enforcement regimes;
- citizens, individually and through non-governmental organizations, can use media outlets (and the internet) to name and shame violators; and they can make vigorous use of the courts to ensure that

laws are effectively enforced and, indeed, interpreted more broadly where citizens can appeal to such norms as environmental justice and the right of citizens to have a healthy environment (in this regard, there are important references in the draft European Union Constitution and in the Environmental Charter of France).

The OECD contributes towards developing laws (both international and national) and fostering compliance with them in a number of ways. It promotes agreements on environmentally effective and economically efficient policies and on their underlying principles (polluter pays, user pays, etc.); it identifies good policy practice; and adopts legal instruments, supported by monitoring and "peer review" mechanisms aimed at fostering compli-

ance. Members also share experience and provide support to Non-Member countries.

The OECD has been an active partner of INECE, supporting analysis of various aspects of compliance assurance, including economic aspects and environmental compliance and enforcement (ECE) indicators. It has also been supporting countries in the region of the former Soviet Union and in Asia in strengthening their enforcement systems.

The OECD is willing to continue to play an active part within INECE by facilitating an exchange of good practice and supporting the development of effective and efficient policies and compliance assurance systems based on principles of good governance and sound environmental management.