

SUMMARY OF WORKSHOP 3H: MULTILATERAL ENVIRONMENTAL AGREEMENTS: SYNERGIES FOR COMPLIANCE

Facilitators: Carl Bruch, United Nations Environment Programme
Kenneth Markowitz, INECE Secretariat
Alberto Ninio, World Bank

Rapporteur: Dave Grossman, INECE Secretariat

GOALS

To explore the following questions:

1. What types of information and what compliance and enforcement activities should we be looking at for the UNEP-INECE Multilateral Environmental Agreements (MEAs) indicator project on developing indicators?
2. What are some examples of particular input and output indicators that will be beneficial in measuring the impact of compliance and enforcement activities?
3. How should we approach identifying synergies in implementation of MEAs at the national level?

1 INTRODUCTION

The workshop began with an explanation of the UNEP-INECE indicator project, which focuses on identifying indicators to promote synergies in the implementation of two clusters of topic-related MEAs – one cluster on biodiversity conventions and one on chemical conventions. There was also a preliminary discussion of the definitions of input, output, intermediate outcome, and final outcome indicators.

2 DISCUSSION SUMMARY

2.1 Project Goals and Method

Mr. Carl Bruch explained that he saw a couple of goals for the project: (1) to develop and pilot-test a set of indicators to track progress over time, oriented largely to agency staff trying to take specific measures to implement and enforce MEAs, though also relevant to the negotiators trying to develop national positions; and (2) to develop qualitative case studies of interesting approaches of how countries have

implemented MEAs synergistically, thereby allowing for an element of experience-sharing in the project.

Dr. Iwona Rummel-Bulska (World Meteorological Organization) added that these goals can be united, and that one should start by looking at one complex country and see how many focal points it has for its MEAs, how many competent authorities it has and whether they talk to each other, what legislation it has, whether the legislation is being implemented, etc. Dr. Rummel-Bulska further declared that one should start from the country side of things, checking how that country is implementing the enormous amount of MEAs.

Ms. Olya Melen (Ukraine) asserted that the issue of a synergetic approach is present in the majority of countries. Conventions are signed and put on a shelf, with no one evaluating effectiveness. Indicators are important. She suggested that there is a need for one body or commission within UNEP or INECE to collect all the data, consisting of representatives of focal points of different conventions and of people of a

high governmental level. This committee additionally can facilitate the reporting process of conventions and can serve as a clearinghouse of information.

Ms. Elizabeth Mrema (UNEP) proposed starting with the MEA itself and the Secretariat, as a process to guide us in terms of identifying stakeholders, audience, national-level contacts, and perhaps indicators.

Mr. Matthew Stilwell (Institute for Governance & Sustainable Development, Switzerland) stated that when thinking about this project, there are some key questions and issues that need to be addressed:

- (1) Who is the ultimate audience for the project: frustrated negotiators? people in national ministries? on-the-ground enforcement officers?
- (2) In light of the audience, what is the goal of the project? Is it to promote implementation of existing MEAs? Is it to promote future development of MEAs in a synergistic way?
- (3) At what level are we looking for synergies: in the MEAs themselves (e.g., institutional arrangements, cooperative projects) or at the national level (e.g., implementation laws and measures)? At what level in the causal chain do you want to intervene most? Where is the main emphasis of the project?
- (4) Overlaps among conventions are often quite different, and the secretariats themselves are often unaware they are there. The Convention on Biological Diversity (CBD) and the Ramsar Convention on Wetlands overlap on wetlands; CBD and the Convention on International Trade in Endangered Species (CITES) overlap on species; Ramsar and CITES overlap on wetlands species. But these overlaps are all in different contexts. The further down the chain you get, the harder it gets to find synergies. One suggestion is to take a sectoral approach. The UNEP economics and trade branch did a study focusing on rice, which estab-

lished a single specific context across countries and provided useful data that allowed for building general models that could apply to other sectors. Every situation is quite different and complex, so it is hard to apply a one-size-fits-all approach when dealing with final outcomes. Higher up the indicators logic chain (e.g., inputs), it can be easier.

Mr. Carl Bruch agreed, noting that the higher level is what we are trying to do – looking broadly at the biodiversity sector and the waste sector. The question is: how do we do it at a high enough level that it is useful but where there still are synergies?

Mr. Matthew Stilwell explained that as one moves down the chain, it will be necessary to move from an indicators approach to an assessment approach, looking at specific projects in specific sectors. That is the only way to understand the complexities. Indicators are better for understanding inputs and intermediate outcomes. As you start moving toward ultimate environmental outcomes, you will need more tailored approaches. Also, a good starting point is to ask the secretariats about their 5 favorite delegates, and they will often give you people who are great on the ground, though not necessarily focal points. Also, look at the Economics and Trade Branch's methodologies, which may be adaptable. Mr. Stilwell said that he had written a paper on synergies between Ramsar, CBD, and CITES and that it was quite difficult to get the data. MEA secretariats themselves often had not thought about how economic instruments would apply across MEAs. Mr. Stilwell suggested that we look at the project from the national level – i.e., what data do national folks need to promote national synergies?

Mr. Alberto Ninio inquired as to whether the aim is to get national finance ministers the hard numbers they always ask for when getting a loan from the World Bank or providing funding to an environment ministry about the outcomes they can expect.

Dr. Iwona Rummel-Bulska contended that if you start with a single coun-

try, you get different indicators than if you start with the MEAs. She asserted that the number of conventions a country is part of, whether they produce CFCs and export waste, what the institutional structure is, how many focal points there are, and whether the focal points communicate with each other should all be considered. Starting from the country side, you then go through all the MEAs. She further inquired into which MEAs are being looked at, since there are many important regional agreements on these issues that should also be considered.

Mr. Sibusiso Gamede (South Africa) explained that countries, especially developing ones, ratify MEAs for a variety of reasons, many of which might not be environmentally-related. For example, some will join Kyoto because they see a financial mechanism that will facilitate foreign investment. This would make it difficult to develop a sole set of indicators for Kyoto without understanding why a country joined the Protocol in the first place. You might find that those reasons affect the institutions created to implement the MEA.

Dr. Iwona Rummel-Bulska replied that there are always different reasons, but that does not matter. Once they are in, they have to comply, and that is what we are after.

Dr. Rosalind Reeve (International Fund for Animal Welfare) asserted that it will also be necessary to actually go into the country to get the data, because you will not get the true information from the governments.

2.2 Multiple Authorities Involved in MEA Implementation

Dr. Warapong Tungittiplakorn (Thailand) suggested that the project should work from the top down. For this project to happen, Dr. Tungittiplakorn asserted that the project needs strong interest from the heads of departments and from decision-makers. Furthermore, in countries like Thailand, many departments are responsible for hazardous waste management, so the project needs support not

just from the head of one department, but from the heads of many different departments. But Thailand has a hazardous waste committee, which has representatives from different departments (e.g., Agriculture, Industrial Works). He suggested that it would be best to coordinate with the committee.

Mr. Poul Byskov (Norwegian Pollution Control Authority) pointed out that Norway is like Thailand in that it has MEA authority and jurisdiction housed in many different departments. Also, Norway focuses more on industry, factories, wastewater treatment plants, etc. MEAs exist in the background, only occasionally coming to the forefront.

Mr. Sibusiso Gamede emphasized that especially with developing countries, it can be very difficult to find out "who's who in the zoo" and what is happening, because of the fragmentation. In South Africa, for example, when there is notification for a transboundary removal under the Basel Convention, that goes to the Department of Trade and Industry, then to Foreign Affairs, then to the Department of Safety and Security. Each plays a different role in the chain, but they do not speak to each other; each does its own task. The best starting point is the MEAs, which require each country to develop and submit an implementation plan. Perhaps the project should start with a review of those implementation plans.

Mr. Matthew Stillwell added that there are similar problems at the MEA secretariats themselves. Each is so involved in its own work, it is hard to talk to others about how their work is complementary.

2.3 Suggestions for Input Indicators

Mr. Ken Markowitz asked what the indicators are that we should try to look at, so when we go to the pilot project countries, we have a clear sense of what we are asking for? He suggested starting with recommendations for basic input indicators. What inputs would we want to look for to be able to get data to assess efficiencies? What types of data would be helpful?

Dr. Iwona Rummel-Bulska pro-

posed that one indicator can be the number of focal points there are – if an MEA has 10 focal points, something is clearly wrong.

Mr. Sibusiso Gamede added that the number of compliance and enforcement personnel charged with the responsibility for implementation of MEAs should be considered as an input indicator, as well as a skills and expertise assessment to try to reconcile human capital with what the enforcement and compliance agency is supposed to do.

Mr. Poul Byskov stressed stakeholder identification – defining who all the actors are (companies, etc.) and perhaps finding indicators that can help make companies accountable.

Ms. Olya Melen suggested as indicators: (1) The number of cases of non-compliance. (2) The number of complaints brought by different bodies.

Dr. Warapong Tungtitiplakorn suggested exploring whether there is a strong commitment from the decision-makers and others at a high level in the implementing authority, as well as whether there is a national implementation plan.

Ms. Tamara Malkova (Ukraine) suggested as an indicator whether there are linkages between the environmental ministry and other non-environmental ministries (e.g., financial, transportation) that might be responsible for parts of a convention. So we might want to look at how often or in what papers non-environmental structures give recommendations or instructions for, or even just mention, MEAs.

Mr. Alberto Ninio proposed as an indicator financial sources, allocation, and sustainability for compliance and enforcement.

Ms. Linda Duncan (Canada) presented the following four possible indicators: (1) Have they clearly delegated responsibility to a specified authority to implement and report on the MEA? (2) Are there regular reports? (3) Has the country developed and implemented a strategic plan with an associated budget and timeline to implement the MEA? (4) Is there some sort of measure for progress from report to report? Have they set perform-

ance targets for themselves? Is there a peer-reviewed baseline against which to measure progress?

Ms. Olya Melen also recommended looking at the amount of national legislation that has been amended after ratification of the MEA.

Mr. Carl Bruch highlighted the following: (1) Regulations and standards that have been amended, not just legislation. (2) Technical resources and equipment. (3) Is there an institutional requirement for communication and coordination among agencies at the national level (horizontally) and among agencies at different levels (vertically)?

Ms. Elizabeth Mrema emphasized looking at the personnel, resources, and other aspects of the institution itself. Also, the implementation plan serves as the baseline. Other issues will come in when doing the plan, such as whether there are laws in place and whether they are effective. So, does the country have a review process?

Mr. Ken Markowitz highlighted the following: (1) Technical assistance and training. (2) The level of capacity building within the institution (e.g., the number of trainings). (3) The level of support coming from outside organizations (e.g., the World Bank) for capacity building.

Mr. Ike Ndlovu (Department of Environmental Affairs and Tourism, South Africa) expressed the need for an index of some sort between legal and permitting requirements and the staff and resources we have to meet those requirements.

Dr. Rosalind Reeve contributed the following: (1) Levels of penalties. (2) Is there an enforcement strategy?

2.4 Suggestions for Output Indicators

Dr. Iwona Rummel-Bulska suggested as an output indicator the number of permits given, taking into account the need for an Environmental Impact Assessment?

Ms. Olya Melen contributed the following: (1) The amount of information collected and disseminated by the focal point. (2) How often do the enforcement bodies

cooperate and communicate?

Ms. Tamara Malkova pointed out that the number of public outreach activities to the regulated community and the public would be a useful output indicator.

Mr. Alberto Ninio recommended the fines and penalties imposed and actually collected that remain at least in part with the environmental enforcement agency.

Dr. Carl Bruch stressed (1) The number of trainings and the number of people trained, perhaps broken down into specific units and sectors. (2) The number of prosecutions. (3) The number of convictions.

Ms. Elizabeth Mrema suggested the following: Has the review process been used, and how often?

3 RECOMMENDATIONS FOR INECE

Participants in the workshop offered a variety of comments and suggestions, including:

- (1) The importance of having department heads and decision-makers with a strong interest in doing the project;
- (2) Starting data collection with the MEA Secretariats, providing contacts and focal points in target countries;
- (3) The implementation plan required by many MEAs could be a good source of information;
- (4) Consider who the ultimate audience is for the indicators;
- (5) Consider at what level of the implementation process we are looking for synergies, and how focused on a sector you want to get; and
- (6) Consider creating a body or committee to coordinate collection of all the data.

Suggestions from the group for input indicators included:

- (1) Number of personnel charged with implementation of MEAs,
- (2) Stakeholder identification,
- (3) Number of violations,

- (4) Number of focal points,
- (5) Whether there is support from a high level in the implementing authority,
- (6) Whether and how often non-environmental agencies mention MEAs in their documentation and efforts,
- (7) Financial sources, allocation, and sustainability for compliance and enforcement,
- (8) Whether there is an authority with a clearly delegated responsibility to implement and also to report on the MEA;
- (9) Whether the country has developed and implemented a strategic plan with an associated budget and timeline for implementation of the MEA;
- (10) Whether national legislation, regulations, and/or standards were changed after MEA ratification;
- (11) Amount of technical resources and equipment, and amount of technical assistance and training;
- (12) Adequacy of focal points;
- (13) Whether there is an institutional requirement for horizontal and vertical communication;
- (14) Level of capacity building within institution, the number of trainings, and whether there is support coming from outside organizations (e.g., the World Bank) for capacity building;
- (15) An index of some sort to correlate requirements to be met with staff and resources available to meet them;
- (16) Whether the country has a review process.

Suggestions for output indicators included:

- (1) Number of inspections, instances of violations, enforcement cases, permits, prosecutions, and convictions;
- (2) Quality of inspections;
- (3) Amount of information collected and disseminated by the focal point;

- (4) Amount of cooperation with other stakeholders that enforce aspects of MEAs;
- (5) Development of a national implementation plan and enforcement strategy;
- (6) Whether there has been outreach to the regulated community and the public;
- (7) Amount of fines / penalties imposed and actually collected and that remain at least in part with the environmental enforcement agency;
- (8) Whether the review process is used;
- (9) Whether there is a baseline against which to measure progress over time.