

PRESENTATION OF THE CONFERENCE STATEMENT AND DISCUSSION OF THE FUTURE OF COMPLIANCE AND ENFORCEMENT

SUMMARY

Gerard Wolters, Inspector General of The Netherlands Ministry of Housing, Spatial Planning, and the Environment (VROM) moderated the final session of the conference. During the closing session, Mr. Wolters described the key messages that emerged from the conference and presented the final Marrakech Statement to the conference participants. The participants were then invited to share comments on the results of the conference and to share their views on the future of compliance and enforcement.

Following the participants' comments, short film of the conference was presented. The film highlighted the conference message that “environmental compliance and enforcement are the foundation for the rule of law, good governance, and sustainable development,” through short interviews with participants. The film also depicted the networking opportunities provided by the conference and showcased the culture of Marrakech.

Following the film, Mr. Wolters paid a special tribute to Jo Gerardu, who has overseen INECE's dramatic evolution since its beginnings in 1990 as a bilateral exchange between the U.S. Environmental Protection Agency (U.S. EPA) and the Dutch VROM. Through Jo's hard work, dedication, vision, and leadership, INECE has grown into a broad partnership of government officials, NGOs, and international organizations from all reaches of the globe.

Mr. Gerardu delivered a brief set of remarks, emphasizing the role of each of the participants in supporting the network. Mr. Wolters concluded the conference by calling for each participant to fulfill the commitments made during the conference and embodied in the Marrakech Statement.

1 INTRODUCTION

I want to thank all of you for providing us with your comments on the Co-Chairs' Conference Statement. We think it has come together very well and presents a powerful statement about our message and about the challenges and opportunities we face.

The Conference Committee that worked on this statement included Donald Kaniaru, Antonio Benjamin, Tony Oposa, Ladislav Miko, Paula Caldwell, Krzysztof Michalak, Angela Bularga, Phyllis Harris, Durwood Zaelke, and myself, with assistance from Jo Gerardu, Davis Jones, Matthew Stilwell, and Ken Markowitz.

The Secretariat staff provided a working draft to the Executive Planning Committee and to the Conference State-

ment Committee. It was modified in several versions with assistance from all of you. Again, we thank you for all these contributions.

Let me recall what are in my view the substance, the message, and the most important part of the statement.

— **Strengthening governance and the rule of law**

Sustainable development depends upon good governance, good governance depends upon the rule of law, and the rule of law depends upon effective compliance and enforcement.

— **The benefits of investing in compliance and enforcement**

Investing in compliance and enforcement benefits the public by securing a

healthier and safer environment for themselves and their children. It benefits individuals, firms, and others in the regulated community by ensuring a level playing field governed by clear rules applied in a fair and consistent manner. Countries benefit by creating a predictable investment climate based on the rule of law, thereby promoting economic development.

- Strengthening efforts at the domestic and international levels

The need to strengthen compliance was recognized by heads of state and government at the 1992 Rio Earth Summit. Agenda 21 directs countries to enhance their compliance and enforcement capacity. At the international level, countries must respect their commitments in multilateral environmental agreements.

This is the important message you have to take home and communicate to your colleagues, your governments, and your organizations.

2 COMMENTS FROM PARTICIPANTS

INECE is a network and our real success is the work we are going to do together. I understand that there are some participants who would like to talk about new initiatives that have evolved out of the conference, so I would now like to open the floor for comments from people who want to make statements.

- **Alberto Ninio** (World Bank): Mr. Ninio commented on his support for the indicators project and complemented the organization of the conference as “remarkable.” Mr. Ninio concluded by stating that the World Bank will continue to work with INECE.
- **Ada Alegre** (Ministry of Energy and Mining, Peru): “I think the success of this conference was based on the excellence of the speakers and facilitators but especially on the hard work of the INECE team. Also the origin of the participants from different regions of the world, and the different moments to

meet each other, were very important. The conference had a good balance between law issues and a friendly atmosphere.” Ms. Alegre concluded by stating that she will work in Peru to try to improve enforcement, based on lessons learned during the conference and experiences shared with her by other participants.

- **Elizabeth Mrema** (United Nations Environment Programme): Ms. Mrema complimented the interactive model used throughout plenary panels and workshops. Ms. Mrema also noted the need to “enhance and increase participation of enforcement personnel and agencies from developing countries in future conferences.” Ms. Mrema noted that UNEP will continue to strengthen their bond with INECE.
- **Neil Davies** (Environment Agency (England and Wales)): Mr. Davies praised the conference and expressed his enthusiasm for working with INECE in the future on emissions trading, “in conjunction with other countries, including the U.K.”
- **Fouad Zyadi** (Ministry of Territory Planning, Water and Environment, Morocco): Mr. Zyadi commended the conference participants for accomplishing “six months of work in one week.” Mr. Zyadi made a commitment to working with INECE to explore opportunities for capacity building in Morocco.
- **Ladislav Miko** (European Commission, Environment DG): Dr. Miko explained that this was his third INECE Conference, and that while it was great every time, this conference was the “best ever”. He declared that he could not remember any other INECE conference where participants got so familiar with each other and had so many opportunities for official and unofficial discussions. He praised the combination of plenary panels and specific workshops, the active involvement of participants, and the social program. Overall, he described the conference as “simply a

- great success.” Dr. Miko concluded by confirming his commitment to identify enforcement cooperation opportunities between the European Commission and INECE.
- **Azzedine Downes** (International Fund for Animal Welfare): Mr. Downes commented that he felt “quite positive about future cooperation in developing a wildlife enforcement network.”
 - **Tom Maslany** (U.S. Environmental Protection Agency, Ret.): Mr. Maslany praised the conference and commented on the need to “collect empirical data” about enforcement efforts.
 - **Maria Comino** (Department of Infrastructure, Planning and Natural Resources, Australia): Ms. Comino noted that INECE's message to the public is capacity building. She congratulated INECE on the very successful conference and invited the network to have the 8th International Conference “down under”.
 - **Warapong Tungittiaplakorn** (Pollution Control Department, Thailand): Mr. Tungittiaplakorn thanked the organizers for their hard work in arranging his travel to the Conference. He also noted that he had “learned a lot and met wonderful people,” and announced the August 2005 meeting designed to launch a regional environmental compliance and enforcement network in Asia.
 - **Gloria Ramos** (National Environmental Action Team, Philippines): Ms. Ramos noted that she appreciated the developing countries' perspectives that were presented in the workshops, and that the presence of lawyers at the conference had been important. “We leave here with bigger hopes, heavier packages from all the materials we've received, and allies in enforcement we can call upon.”
 - **John Cruden** (U. S. Department of Justice): Mr. Cruden complimented Conference Chairman Gerard Wolters, and commented, “This is my second conference. I've met heroes, found allies, and developed new relationships, including with representatives from South America. The most valuable item I take home from the conference is the email contact list. I very much hope to continue the friendships that have been made here.”
 - **Antonio Benjamin** (Law for a Green Planet Institute, Brazil): Mr. Benjamin noted that coming from a biologically mega-diverse country like Brazil, he “would like to recognize the importance of this conference's increased focus on green issues. Although INECE was founded by a group of dedicated people in the brown sector, it is critical for the network to find a balance between brown and green issues. I think it was done this year.” Mr. Benjamin thanked the Executive Planning Committee on behalf of the Brazilian delegation.
 - **Roberto Rodriguez** (Comisión Centroamericana de Ambiente y Desarrollo (CCAD), El Salvador): Dr. Rodriguez affirmed the commitment of CCAD to continue to work with INECE.
 - **Melissa Fourie** (Department of Environmental Affairs and Tourism, South Africa): Ms. Fourie, commenting on behalf of Ike Ndlovu, noted that South Africa is starting off with enforcement and compliance for waste and air, and thanked the British High Commissioner, Clair Twelvetrees, and Sue Holland for their assistance in facilitating the travel of South African participants to this important event.
 - **Sibusio Gamede** (Basel Convention Regional Centre, South Africa): Mr. Gamede described the conference as “very educative and entertaining.” He noted that “optimism is needed for compliance and enforcement” and that “capacity building is taken for granted but we still struggle for it.” He concluded by acknowledging that he hoped there will be more participants from Africa at the next conference.
 - **Albert Koehl** (Sierra Legal Defense Fund, Canada): Mr. Koehl stated, “this

was a fabulous opportunity and I plan to keep in touch with these dedicated and passionate participants to further develop ideas from the conference."

- **Krzysztof Michalak** (Organisation for Economic Co-operation and Development): Mr. Michalak made three points in his comments: (1) as embodied in the Conference Statement, enforcement and compliance are crucial tools to build and support good governance; (2) another point that emerged from the conference was that countries have responsibilities to comply; and (3) the conference provided many valuable networking opportunities for discussing new issues and what to do. Mr. Michalak concluded, "I look forward to using these tools and to the next conference."
- **Palamagamba Kabudi** (Institutional and Legal Framework for Environmental Management Project, Tanzania): In his remarks, Mr. Kabudi expressed the sentiment that "I am because you are", appreciative of the exchange of ideas that occurred during the conference. He also said, "African optimism says 'make the eagle rise up, and see the horizons', which has optimism. Success stories say that we should be optimistic and not despondent. Capacity building is not a thing we take for granted, but something we strive for. We expect that representation of Africa will be much more prevalent in future INECE conferences."
- **Renzo Benocci** (Environment Canada): Mr. Benocci thanked Paula Caldwell for significantly expanding the Canadian delegation that attended this conference, in comparison to previous ones.
- **Hocine Benyahia** (National Federation for the Protection of the Environment, Algeria): Mr. Benyahia, who is part of a small nongovernmental organization in Algeria, described the unique learning experience that the conference provided, and hoped that this was not the last one.
- **Linda Duncan** (Consultant on Environmental Law & Policy, Canada): Ms. Dun-

can complimented the conference participants on stepping beyond the lines defining what groups they represent to form a true cooperative enforcement network.

Gerard Wolters concluded the remarks by thanking the participants for their comments.

3 THANKING THE CONFERENCE STAFF, HOSTS, AND PARTICIPANTS, PRESENTED BY GERARD WOLTERS

There are also several others who were critical to making this conference a success. First and foremost, I would like to thank the INECE Secretariat staff, who worked night and day this week to make this conference happen: Ken Markowitz, Marcy Markowitz, Dave Grossman, Scott Stone, Meredith Reeves, Aesah Javier, Mike Frizzell, Melanie Nakagawa, Linda Massopust, Davis Jones of the US EPA, and, of course, Durwood Zaelke.

I would also like to thank our hosts here in Morocco for all of their efforts. In particular, I would like to thank Fouad Zyadi and Naima Oumoussa and others with the Moroccan Ministry of Territory Planning, Water and the Environment.

Special thanks must be given to Mohamed Rida Derder, the North African Counsel with the INECE Secretariat and a jack-of-all-trades who arranged the substance of the regional conference and many of the logistics of this conference, and who helped many of you get your luggage back.

And, of course, I would like to extend thanks to the hotel staff. The hotel managers and staff have made our stay here very enjoyable and have gone out of their way to accommodate our requests. We appreciate all of their efforts.

Also I would like to thank all the speakers, moderators, facilitators, and rapporteurs who contributed to the success of our conference. And of course this also refers to all those who have been instrumental to the success of the Regional Conference on Saturday and those who were

facilitating the Principles of Compliance and Enforcement Executive Course.

Finally, friends and colleagues, I would like to thank all of you for participating in this conference and sharing your thoughts and insights. INECE will benefit from all your valuable input during plenary sessions and all the workshops. You all are the stars of this conference.

Of course, you are also the stars of the film by Douglas Varchol, which will capture the story of this conference and the stories of some of its participants. I thank Douglas for his efforts this week to compile a documentary film for us about the conference. Douglas is a filmmaker, not a film editor, so the edits will take place over the coming weeks. But he has kindly agreed to show a short preview, which we will now see. Enjoy.

4 JO GERARDU'S CLOSING COMMENTS, PRESENTED BY JO GERARDU

What is there to say after this draft of an Oscar nominee? I want to thank you for all the compliments that have been addressed to me for my activities as an INECE participant. I want to make three remarks but do not worry; I'm not keeping you away from your lunch for long.

In 1989, in Washington, D.C., there were three of us: Cheryl Wasserman of U.S. EPA, Bert Metz of the Royal Dutch Embassy, and myself. We met at an exchange program on compliance and enforcement between the U.S. EPA and our Ministry of VROM. At that moment, we decided to follow our idea to organize a larger exchange meeting in Utrecht in 1990 with participants of other countries and organizations. Our bosses agreed with our ideas and this was the moment INECE was

conceived, and you demonstrated this week how well this idea has been growing and has matured.

INECE is a success not only due to the work we were able to do. You can be a very good photographer but if there is nothing in your picture you have no results. I feel the same about INECE; you as participants are INECE, you are the network, and I'm proud to be part of your network.

I want to thank Gerard for the possibilities he gave me to work for INECE over the years. Most of all, I want to thank my wife Marij, who never really complained when I was again abroad. She too made this happen.

I end with a phrase out of a song of the Rolling Stones: "INECE I'm gonna miss you". Thank you all and good luck.

5 FINAL REMARKS, PRESENTED BY GERARD WOLTERS

We worked hard but enjoyed ourselves. We have renewed old friendships and made new ones. I hope this conference has been as rewarding for all of you as it has been for me. But we must not allow the experiences of this week to be confined to this week only. Let this conference be a catalyst for further action. I want to recall to you the words of Phyllis Harris, one of our Co-chairs, that INECE is not the Executive Planning Committee, nor is INECE the Secretariat, but INECE is all of you.

So to all of you: LENAFTAHH ABUWAB (A)TTAA-WOON (Arabic for "*Let us open the doors of partnership*")

Again, I thank you all and have a safe trip home. And with these words, I declare the 7th INECE International Conference on Environmental Compliance and Enforcement closed.