

SUMMARY OF PANELS

PANEL 1: CREATING VALUE THROUGH COMPLIANCE AND ENFORCEMENT

Moderator: Greg Sullivan, Brisbane City Council, Australia

Panelists: John Cruden, Deputy Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, United States

Joanne Yawitch, Deputy Director General, Department of Environmental Affairs and Tourism, South Africa

Brendan Gillespie, Head, Environment and Globalisation Division, Organisation for Economic Co-operation and Development, Environment Directorate

Rapporteurs: Jo Gerardu, INECE Secretariat

Peter Murtha, Environmental Protection Agency, United States

Summary Report:

This panel explored how strengthening compliance with environmental requirements creates both public and private value — public value by protecting public health and sustaining ecosystem services and private value by improving competitiveness of firms, accelerating technological innovation, and leveling the playing field.

John Cruden provided five main themes: (1) the necessity for a “level playing field” to ensure fair competition; (2) the emphasis on the rule of law; (3) making sure an enforcement program includes public health benefits in addition to environmental benefits (with an eye on disadvantaged communities who may receive unequal environment impacts); (4) the need for a strong and independent judiciary; and (5) the need for international cooperation.

Joanne Yawitch provided the perspective of a developing country with a rapidly growing economy, and emphasized the need to find the appropriate balance point between expanding the economy in a country with a high (greater than 20%) unemployment rate while still protecting environment, a particularly difficult task given South Africa’s heavy concentration of inherently dirty extraction

industries. Ms. Yawitch recognized that in the process of rewriting South Africa's constitution after the end of apartheid, environmental values — including freedom from environmental harm and the right to a sustainable environment — were incorporated in the Bill of Rights. Ms. Yawitch explained that the threat of enforcement has been essential in South Africa in getting businesses to obtain their necessary permits.

Brendan Gillespie previewed the results of a paper he will be delivering in November 2008 titled "Environmental Compliance Assurance: Some Trends in OECD Countries and Major Emerging Economies." Mr. Gillespie pointed out that generally OECD countries are not on track to meet their environmental objectives and that enforcement is the key to addressing the gap. He further pointed to trends that are helping enforcement become more effective, including cross-media integration and regulatory simplification, the growing importance of compliance promotion as a complement to enforcement, risk-based targeting of inspections, and better indications to measure performance. Finally, he indicated a shift away from criminal enforcement in favor of more quickly concluded administrative enforcement methods, which are better able to recoup any economic gain by the violator.

Excerpt from the Proceedings of the International Network for Environmental Compliance and Enforcement's (INECE) Eighth International Conference, Linking Concepts to Actions: Successful Strategies for Environmental Compliance and Enforcement, held 5-11 April 2008, in Cape Town, South Africa.

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