

INECE E-Dialogue Summary: Good Practices for Identifying Environmental Compliance and Enforcement Indicators

(18 August – 09 September 2004)

<http://inece.org/forumsindicators.html>

1 INTRODUCTION

1.1 Goals of the e-dialogue

The goal of the e-dialogue was to solicit ideas and country-specific examples and experience from environmental enforcement practitioners on good practices for identifying environmental compliance and enforcement (ECE) indicators.

1.2 Participants

Michael Stahl, Director of the Office of Compliance at the United States Environmental Protection Agency, moderated the e-dialogue. 62 people registered for the e-dialogue, and there were 17 participants¹ who posted a total of 39 comments over the three-week period of discussion. The participants represent a wide range of professional activities and country locations, including Argentina, Canada, Mexico, the Netherlands, Brazil, Finland, Armenia, UK, Malta, Czech Republic, Morocco, Russia, Australia, the US, Bahrain, Paraguay, Scotland, Republic of Belarus, New Zealand, Zambia, and Egypt.

2 OVERVIEW OF THE DISCUSSION

2.1 Stakeholder Groups

The discussion began with the question, “What stakeholder groups need to be consulted in the process of identifying indicators and what are their roles?” Responses included:

- **Enforcement authorities, officer groups, internal staff and management:** provide extensive on-ground experience (Maria Di Paola; John Gavitt; Nerina Holden), and administer the law and accompanying regulations (Geoff Garver).
- **The regulated community:** ensure compliance efforts (Maria Di Paola).
- **Academia, non-governmental organizations, citizen groups, and international experts:** provide different and substantive perspectives, and supplemental information (Di Paola; Gavitt).
- **Judges and Prosecutors:** help define the main environmental problems; resolve conflicts between stakeholders; and take immediate legal action (Maryana Yanush); offer valuable perspective about agency performance and how indicators are used (Mike Stahl; Holden).

¹ Michael Stahl, Ken Markowitz, Maria di Paola, Maryna Yanush, Adriana Bianchi, John Gavitt, Antonio Benjamin, Nerina Holden, Yvan Lafleur, Geoff Garver, Morten Hojer, Angelique van der Schraaf, Markku Hietamaki, Wout Klein, Ladislav Miko, Sergey Dayman, Linda Duncan

- **Industry and the business sector:** necessary in order to ensure guaranteed support of changes (Holden).
- **Government Auditors** (Holden): interested from a budgetary standpoint.

Stakeholders should be involved in the indicator design process, but it is important to determine at what stage each stakeholder should be included (Antonio Benjamin). "...it is useful to bring industry into the process of identifying indicators at the beginning, but NGOs and other stakeholders should be brought in around the same time so that no group appears to be getting preferential treatment" (Stahl). Program designers should consider engaging all sectors and stakeholders with a set of questions regarding what is important to them, what general principles should be considered to develop and use indicators, and if they have ideas for specific indicators. (Stahl)

It is also crucial to never make promises to various stakeholders or guarantee consensus. Yet, it is important to ask for their ideas, evaluate them and then make a decision that satisfies the greatest number. A follow-up meeting to explain these decisions is also critical for stakeholders to support and understand the ECE indicator program. (Stahl)

The discussion subsequently turned to assessing how to motivate stakeholders to become involved in the identification process. Multiple methods were identified, depending on the stakeholder group. Suggestions included:

- **Government agencies:** If national agencies oppose developing an ECE indicator program, pressure from a coalition of the above stakeholders can be hard for an agency to ignore, especially if legislators are included in the group.
- **Employees:** Ideas to specifically motivate employees include: involving the staff in development; sending clear signals from the management; providing adequate training; and making reports visible to the public (Lafleury, Stahl).
- **Civil society:** Allow groups to participate in selecting indicators; implement legislation that requires all agencies to monitor progress; urge NGOs, media reports, the public, and academia to put pressure on ECE indicator programs to increase performance; and create internal motivation and ownership for the program personnel.
- **Affected parties:** Compliance is also encouraged through communication with parties affected by the relevant laws and regulations (Garver).

2.2 Purposes of ECE Indicators

As part of the identification process, stakeholders should consider how and why they want to use the ECE indicators. Being clear about the purposes the indicators will serve generally makes the job of identifying potential indicators much easier. One must ensure that "...setting goals or targets and defining indicators [is] one in the same action" (Wout Klein). As goals change, the selected indicators should be reviewed (Sergey Dayman). Robert D. Behn's article, "Why Measure Performance? Different Purposes Require Different Measures" "provides a comprehensive list of purposes [of ECE indicators], and the importance of each depends on the setting in which the ECE program is operating" (Stahl). Behn's eight reasons why it is important to measure performance are as follows:

- To Evaluate
- To Control
- To Budget
- To Motivate
- To Promote
- To Celebrate
- To Learn
- To Improve

Other purposes and uses of ECE indicators include:

- Indicators serve as a tool of state and managers in evaluation, control, motivation and improvement (Ladislav Miko).
- Indicators can provide a purpose beyond these “administrative uses.” “[Indicators] in the long run feed back into the policy making process, so that environmental policies are designed to be more easily enforced and less reactive to begin with” (Morten Hojer).
- An indicator program can increase the involvement and motivation of various stakeholders. For example, indicators:
 - Help managers monitor and control the operation of programs
 - Build public support
 - Create a public sense of ownership by increasing overall environmental quality
 - Improve overall environmental program performance
- The output indicators or performance indicators can be helpful in justifying budgets to funders; they can illustrate that a program is increasing its quantifiable indicators (Gavitt; Stahl).

2.3 Institutional Barriers

Participants also considered the types of institutional barriers that need to be defined in the “identification” stage of an ECE indicators project.

Institutional barriers can hinder the development and implementation of ECE indicator programs. Some of the most common barriers include:

- No dedicated budget to pursue enforcement
- Few qualified officers
- Minimal training
- No clear enforcement policy or directives
- Inappropriate influences
- Lack of real political or senior level administrative support for fair, consistent, appropriate enforcement actions (Duncan).

The ability of a program to be effective depends on the institutions in charge of policy implementation and good governance practices. In addition, fragmentation of these programs with poor delineation of responsibilities, low local participation, and lack of technical capacity all limit progress. Gaining consensus of the various stakeholders can be very difficult (Bianchi),

but this is especially important when various agencies and governmental branches need to cooperate and communicate (Stahl, Yanush).

Lack of technical capacity, available data, or maturity of an agency can greatly limit an ECE indicator program. “Compliance culture,” legislation, and public and private institutional support are often still in the development stages, which limits full implementation of a program. In these cases, it helps to have programs and NGOs to set small incremental goals over a number of years and maintain steady progress. These programs should develop basic output indicators and focus on building data collection capacity. It is also essential to keep the public informed to increase compliance. Overall, outcome indicators are difficult for developing programs (Stahl). This is especially true for wildlife and trade issues (Yanush).

Data collection can also be a barrier to compliance. The type of data collected and the inspectors collecting the data must be consistent or data collected over a number of years could be worthless (Yanush; Angelique van der Schraaf; Stahl). Inspectors must be motivated, or else consistency can easily be lost (van der Schraaf). Some inspectors are hesitant to collect and record data. One reason is a lack of managerial support; managers do not push for additional data collection and inspectors see it as an unnecessary burden (van der Schraaf). A good technology system such as a properly designed database could reduce some of this additional burden (Markku Hietamaki). Data reports need to be constantly reinforced through clear management, annual training efforts, and publishing reports (Stahl).

Inspectors can also become a barrier when they feel that their jobs may be threatened, if they collect data that is not positive or if they pursue an enforcement action against politically connected stakeholders. “...many people are reluctant to collect data that could eventually be used against them” (Lafleury). In some jurisdictions enforcement officers face real threat of personal harm or firing for taking enforcement action (Linda Duncan). Including as many stakeholders, managers, and employees in the indicators selection process may help to mitigate this potential problem. A good indicator should “motivate” and not threaten the employee (Miko).

One barrier that is commonplace throughout the world is the lack of financial resources dedicated to enforcement activities. This often equates to too few enforcement officers without enough training. The lack of support can be partially attributed to the low prioritization given to environmental issues in many nations. A society needs to understand the link between enforcement and environmental and human health improvement. Society must also have confidence in the “environmental information infrastructure,” in order to trust ECE indicators (Hojer). If the citizens support environmental enforcement, governmental priorities may begin to reflect this change. More detailed peer reviews of the data collection may help mitigate this issue (Hojer).

2.4 Criteria for Identifying a "Good" ECE Indicator

Indicators should be:

- Relevant – to program goals, objectives, or priorities
- Transparent – accessible and understandable by users
- Credible – based on data that is complete and accurate
- Functional – encourages the right behavior among program staff and regulated entities
- Feasible – value of indicator justifies or outweighs the cost of implementation

- Comprehensive – cover important operational aspects of program being measure (Stahl)

3 CONCLUSION

During the discussion, participants considered a variety of issues surrounding the question of how to best identify indicators for ECE programs. Participants discussed involvement of stakeholders, institutional barriers to establishing indicators, the purposes indicators can serve, and the criteria that can be used to evaluate potential ECE indicators.

Some general observations on the discussion:

1. Though we are all working in ECE programs, these programs are quite different with respect to their authority, capacity, maturity, and effectiveness. Each program resides in a particular political and economic setting, and each setting is very different. This makes finding lessons and ideas which apply to all programs very difficult, but I think we were able to identify some general rules or practices that can be helpful to most programs trying to develop and use ECE indicators.

2. We should acknowledge -- as shown by this e-dialogue -- that there is growing interest and need for ECE indicators. Compared to even three years ago, there are now many more countries and agencies trying to make progress on indicators. I think this is a very positive sign, and it argues for continuing to nurture a community of practitioners who can learn from each other. INECE and other organizations can play a very important role in keeping this community together.

3. If the "identify, implement, and use" construct is viewed as a continuum, I think many nations have moved into the identification and implementation stages, and a few have moved into the stage of actually using indicators to manage and improve their programs. It might be useful to track over time the progress that countries and nations make through this continuum. And it will be helpful for more nations to share their experience with other nations trying to make progress through the identify, implement, and use stages.

4. Because of the diversity of our programs, it will be difficult, if not impossible, to develop one set of indicators that can be universally applied. But we can develop best practices and general concepts and principles that can be of great help to all of us. The Indicators Working Group of INECE is drafting a guidance document that attempts to capture these practices and principles, and it should be ready early next year. This e-dialogue and the others to follow will inform the best practices that are described in the guidance document. (Stahl)