

coordinators of the event; Antonio Benjamin who served as counselor to the Brazilian judicial delegation; Antonio Oposa who accompanied Chief Justice Davide of the Philippines; Adriana Bianchi who represented the World Bank and made closing comments to the symposium; and Durwood Zaelke, who coordinated INECE's support for the Symposium.

Additionally, several justices affiliated with the INECE network attended the event, including Justice Michael Decleris from Greece, Justice Scott

Fulton from the United States, and Justice Amadeo Postiglioni from Italy. Numerous other judges expressed interest in joining INECE and working in conjunction with the INECE regional networks in the near future. For more information on the Symposium, see http://www.inece.org/newsletter/enforcement_judges.html#ju1

Enforcement Indicators Project Gains Momentum

INECE launched its effort to develop indicators of effective environmental compliance and enforcement at the World Summit on Sustainable Development (WSSD) this past August in Johannesburg, South Africa, by distributing copies of the special indicator edition of the INECE Newsletter. A copy of the special edition of the newsletter is available at <http://www.inece.org/Newsletter6.pdf>.

The EPC Indicator Sub-Committee and the Secretariat are working closely with regional partners and enforcement networks in all stages of project development. Initial consultations began with many potential partners prior to the Sixth INECE Conference and continued at the WSSD. Already, the Czech Ministry of Environment extended an offer to help with indicator development. In addition, the African, Central American, and South American enforcement networks all recently endorsed the project in their regional strategic plans and expressed interests in become active partners in both the development and testing phases. The Environment Agency has agreed to actively participate on the Subcommittee UNEP and the OECD also have expressed interest in joining the project, as has the World Resources Institute's Access Initiative project, which is designed to measure implementation and compliance with the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, held in Aarhus, Denmark June 25, 1998. To coordinate these efforts, INECE is hosting a Web-based discussion forum on indicators located at <http://www.inece.org/forumsindicators.html>. Individuals and organizations interested in participating in the Enforcement Indicator Project should contact the Secretariat at inece@inece.org. An experts' meeting will be held in early summer.

ENVIROLAW 2002

INECE also helped organize the International Environmental and Sustainable Development Law Conference (ENVIROLAW 2002), held in Durban, South Africa from August 22-25. The INECE Secretariat assisted in the development of the conference program, recommended speakers from the network, and lead several panel discussions.

The conference issued the Durban Statement, which noted the importance of "implementation and enforcement of environmental law" and called for the development of enforcement indicators, as well as an "Environmental Law Enforcement Index" that will build upon the INECE Enforcement Indicator Project. The statement also highlighted the important role of

regional and international networks in improving capacity for "effective development, enforcement and monitoring of environmental law."

Durwood Zaelke served on the conference statement drafting committee and chaired the panel on perspectives on governmental enforcement and compliance, which included Antonio Benjamin. Kenneth Markowitz assisted in the development of the conference program and chaired the panel on the role of financial incentives in environmental and social

development governance.

William Futrell delivered the keynote address on the importance of the WSSD as a vehicle for strengthening the role of national government. Adriana Bianchi addressed the plenary on establishing and strengthening of domestic environmental and sustainable development governance frameworks. Additional conference information, including copies of the program and conference statement, are available at <http://www.envirolawsolutions.com>.

Summit Institute for Sustainable Development

INECE also participated in the Summit Institute for Sustainable Development, a week of training courses in Johannesburg on environmental issues sponsored by the Smithsonian Institute, US EPA, and the South African Government, among others. The INECE Secretariat, along with the United States Department of Justice, developed a course on citizen participation in environmental policy and enforcement. Durwood Zaelke led the roundtable discussion among participants from governments, NGOs, multilateral institutions and students. The course focused on the importance of citizen participation in environmental policy formulation and enforcement.

Other INECE participants included: Mas Achmad Santosa from Indonesia, Carl Bruch from the Environmental Law Institute, Antonio Oposa from the Philippines, Antonio Benjamin from Brazil, Kenneth Markowitz from the INECE Secretariat, and Jim Rubin and Kelly Johnson from the US Department of Justice. Other panelists included Salim Ebrahim, a South African attorney specializing in human rights and environment and Jody Kollapen, of the South African Commission on Human Rights. Davis Jones and Don Gipe, of the US EPA, discussed INECE's Principles of Environmental Enforcement and their new course, Conducting Environmental Compliance Inspections. Both the Principles and course materials are available at <http://www.inece.org>. For additional information on the Summit Institute, visit <http://sustainability.si.edu>.

World Conservation Union (IUCN)

INECE participated in several IUCN events, including the conference on Environmental Law Foundations for Sustainable Development, that took place from August 20 to 22 at the University of Natal in Pietermaritzburg, South Africa. Donald Kaniaru spoke during the opening day on the topic of the Montevideo Action Plans in a panel focusing on the environmental legal foundations for sustainable development. William Futrell gave a presentation on strengthening legal resources for sustainability: implementation, coordination, compliance and enforcement of environmental law. This was followed by commentary from Antonio Benjamin speaking on environmental prosecutors and the enforcement of environmental law, and Durwood Zaelke speaking on the role of the INECE.

INECE members also participated in panels hosted at IUCN's Environmental Law Center at the WSSD in Johannesburg. Antonio Benjamin organized the event on biodiversity and poverty. Jacqueline Aloisi de Lardere of UNEP participated in one of the panels, and Durwood Zaelke chaired a panel that included Grethel Aguilar from IUCN Costa Rica and Juliana Santilli from the ISA in Brazil speaking on access to genetic resources in Latin America, as well as Jay Pendergrass from the Environmental Law Institute speaking on biodiversity and conservation on private lands. For more information on these and other IUCN events at the Summit, as well as news about INECE at the WSSD, visit <http://www.iucn.org/wssd>.

INECE "Best of Enforcement" Book Under Development

INECE is producing a "best of enforcement" book on environmental enforcement and compliance, drawing upon the best articles from past INECE proceedings, as well as other published works by renowned authors and select new articles by leading experts. The goal of this project is to showcase the best practices, policies, and scholarship in environmental implementation, enforcement, and compliance around the world.

The principal audience includes inspectors, prosecutors and judges, as well as policy makers, academics, NGOs, and the related community. It is hoped that the book will raise awareness of the importance of enforcement and compliance, and ultimately help "brand" INECE in the enforcement and compliance community as well as the environmental community at large and the donor community.

In the process of reviewing articles for the book, the Secretariat compiled a bibliography of enforcement and compliance literature and reviewed the proceedings of past INECE Conferences. The bibliography is available at <http://www.inece.org>. The searchable database of past conference proceedings is located at <http://www.inece.org/publicationlist.html>.

INTERNATIONAL NEWS

World Summit Renews Commitment to Enforcement

The World Summit on Sustainable Development (WSSD), held this past August in Johannesburg, South Africa, set specific targets and timetables for implementing the commitments made at the Rio Summit in 1992 and therefore dramatically re-focused attention on the need to strengthen environmental enforcement and compliance. This provides INECE with an important opportunity to position itself as the key global network for enforcement and compliance, and to form new strategic alliances to carry out its work. (Story continues online at <http://www.inece.org/newsletter/international.html>)

UNEP Addresses Environmental Liability and Compensation

The UNEP Division of Environmental Policy Implementation issued a comprehensive review of liability and compensation regimes. The review was prepared for the experts meeting on Liability and Compensation for Environmental Damage held from May 13-15 in Geneva, Switzerland. The study detailed the liability and compensation provisions of approximately 27 multilateral environmental agreements, two draft multilateral environmental agreements, 26 regional environmental agreements,

26 national environmental laws, as well as a number of national and international cases. (Story continues online at <http://www.inece.org/newsletter/international.html>)

REGIONAL NEWS

Africa and the Middle East

African Network Sets Priorities

The African Environmental Enforcement Network met during the Sixth INECE Conference earlier this year in Costa Rica, and developed priorities for a strategic plan including a review of the existing legal frameworks in the region and a commitment to harmonization. In addition, the network agreed to participate in the development of INECE enforcement indicators and their testing within the African region. (Story continues online at http://www.inece.org/newsletter/regional_africa.html)



Report on Illegal Reptile Trade in Kenya Released

Mr. Francis M ole Nkako, Coordinator of the Bush Meat Identification Project at the Kenya Wildlife Service (KWS), recently released a report on the illegal reptile trade in Kenya. Illegal reptile trade is one of the factors responsible for the decline of wildlife populations around protected areas and beyond. However, the trade is unsustainable and this affects law enforcement in terms of conservation. (Story continues online at http://www.inece.org/newsletter/regional_africa.html)

Americas

Central American Attorneys General Support Prosecutor's Network

The attorneys general from the seven Central American countries signed an agreement that they would strengthen their cooperation on environmental cases by supporting the Network of Environmental Prosecutors, and would support regional crime prevention in other areas such as drug trafficking and organized crime through cooperative efforts between the Public Ministries. The agreement was unveiled at a conference, Environmental Justice in the Framework of the Penal Prosecutorial System in Central American, hosted by the Network of Environmental Prosecutors and held in Tegucigalpa, Honduras from November 14-15, 2002. (Story continues online at http://www.inece.org/newsletter/regional_americas.html)

CEC Recommends Factual Record in Tarahumara Submission

On August 29, 2002, the Secretariat of the Commission for Environmental Cooperation of North America (CEC) recommended that a factual record be developed on allegations by indigenous peoples and communities of the Sierra Tarahumara that the government of Mexico has failed to effectively enforce its environmental law with regard to allegedly illegal exploitation and destruction of forest resources in the

Mexican state of Chihuahua. According to the submission (SEN-00-006), filed on June 9, 2000, by failing to adequately process citizen complaints and to prosecute probable environmental crimes, Mexico is denying access to environmental justice to the indigenous peoples of that region. (Story continues online at http://www.inece.org/newsletter/regional_americas.html)

Bolivia Cracks Down on Forest Concessions

The Bolivian government ordered the revision of a large forest concession after it was discovered that it was not executed in accordance with environmental regulations. The General Superintendence of the Natural Renewable Resources Regulation System (SIRENARE in Spanish) of Bolivia is responsible for the preservation and sustainable use of the country's natural resources and recently handled a case related to the Pilón Lajas protected area. (Story continues online at http://www.inece.org/newsletter/regional_americas.html)

UNEP Publishes Report on Caribbean Environmental Law

Caribbean Environmental Law: Development and Application, recently published by the UNEP Regional office for Latin America and the Caribbean, analyzes environmental legislation and judicial developments in the English-speaking Caribbean Countries in the context of compliance with Agenda 21 and the Rio Agreements. Chapter 8 of Agenda 21 cites the need to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological and scientific principles and this publication assesses Caribbean efforts carried out in the last ten years. The study was led by Dr. Winston Anderson, Professor of the University of the West Indies, in cooperation with UNEP-ROLAC. For more information contact Alejandra Cervantes Mayora, Secretary/Legal Officer, UNEP-ROLAC at acervantes@rolac.unep.mx.

Asia & Pacific

ADB Publishes Training Guide for Environmental Law in Asia and Pacific

The Asian Development Bank (ADB) recently released Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources, a much-needed training guide for environmental law students and government officials in Asia and the Pacific. The book is an outgrowth of materials first used as part of two training courses conducted at the Asia-Pacific Centre for Environmental Law (APCEL) at the National University of Singapore for 63 law professors from



15 regional countries. (Story continues online at http://www.inece.org/newsletter/regional_asia.html)

Court Orders Government to Clean Up Manila Bay

The Regional Trial Court of Imus, Cavite (Branch 20) issued a historic judgment ordering 12 government agencies to clean up Manila Bay. The Court, speaking through Executive Judge Lucenito Tagle, directed the Department of Environment and Natural Resources (DENR) as the lead agency to "prepare a consolidated and coordinated action plan for the restoration of Manila Bay to make it fit for swimming and other forms of contact recreation." (Story continues online at http://www.inece.org/newsletter/regional_asia.html) Photo courtesy of <http://www.filipinolinks.com>

Europe

Enforcement and Compliance Networking in Eastern Europe, Caucasus and Central Asia

The recently concluded meeting of the NIS Environmental Compliance and Enforcement Network (NISECEN) held in Almaty, Kazakhstan was the fourth annual gathering which offered a forum for exchanging experience and good practices among enforcement officers and environmental policy makers from the regions of Eastern Europe, Caucasus and Central Asia (EECCA) and between the experts from these regions and the practitioners from OECD and other countries who are invited to the meetings. The Network meetings enable discussions about better institutional framework and more effective and efficient policy instruments for enforcing environmental requirements, responding to non-compliance and promoting compliance in the region. In addition to enforcement officers and environmental policy makers, the representatives of the NGOs, business and industry are invited as observers. (Story continues online at http://www.inece.org/newsletter/regional_europe.html)

Report on the Status of Enforcement in South Eastern Europe

The report, Current Legal Structure and Resources Available to the Environmental Protection Agencies and Inspectorates in the Countries of South Eastern Europe, found the implementation and enforcement of new regulations and laws in nearly all BERCEN member countries weak. In addition, it noted that the basic ingredients, including data compilation and retrieval systems, hardware and software to support these systems and training for personnel in the regulatory cycle, are not present in these states.

Pollution Prevent & Control Training

The meeting also reviewed recent "train the trainer" programs that focused on minimum criteria for inspections and integrated pollution prevention and control. The first training session focused on individual participants, while the second training focused on country-by-country performance. This interactive program, featuring lectures, discussions and team presentations offered country teams the opportunity to develop detailed training programs to be implemented in their respective nations. Progress reports on the status of implementation will be given at future BERCEN meetings.

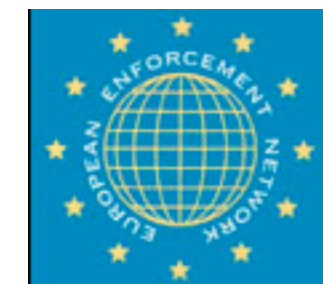
Balkan States Begin Training and Exchange Program

The Balkan Environmental Regulatory Compliance and Enforcement Network (BERCEN) recently met in Budapest, Hungary, on September 9, 2002 and issued a report on the status of enforcement and compliance in South Eastern Europe, initiated a new training and exchange program, and adopted recommendations to assist Balkan states in acceding to European Union environmental legislation. BERCEN, established in Tirana in December 2001, is an informal network that facilitates, assists and promotes enforcement of regulations throughout South Eastern Europe by disseminating information and finding ways for participating countries to cooperate and develop projects of common interest.



Based on the findings of the regional report, supra, the meeting decided that the first step in developing a better understanding in enforcement and compliance should be an exchange of information on the inspection systems applied. Therefore, BERCEN will begin an exchange program with the objective of developing the capacity of the enforcement agencies through the exchange of experience between European Union accession countries (AC IMPEL member countries) and BERCEN members. (Story continues online at http://www.inece.org/newsletter/regional_europe.html)

Recommendations on European Union Environmental Directives



In a further attempt to assist Balkan states in their efforts to approximate EU environmental legislation, BERCEN also adopted two strategic network recommendations related to the preparatory activities for introduction of Integrated Pollution Prevention and Control (IPPC) Directive (96/61/EC) ("the Directive") and the implementation of the Recommendation of the European Parliament and of the Council of April 4, 2001, providing minimum criteria for environmental inspections (2001/331/EC) ("the Minimum Criteria"). (Story continues online at http://www.inece.org/newsletter/regional_europe.html)

Chemical Network Launches "Dangerous Preparations" Project

A new "dangerous preparations" project was launched at the Third Conference of the Chemical Legislation European Enforcement Network (CLEEN) held in Copenhagen from September 9-11, 2002. Representatives from EU countries, the European Commission, the Scandinavian countries, Czech Republic, Slovakia and Slovenia

attended the conference, which also discussed the results of the EurOzone project and launched an initiative on PCBs. (Story continues online at http://www.inece.org/newsletter/regional_europe.html)

ENFORCEMENT TOPICS

Citizen Enforcement

INECE Partner Leads Call to Philippine Government to "Clear the Air or Face Lawsuits"

Lawyers led by Antonio Oposa, president of Batas Kalikasan and an INECE partner, have asked the Philippine Government to implement vehicle emission standards and act on complaints against smoke belchers or face citizen's suits. This is part of a new initiative to facilitate citizens' suits under the Clean Air Act in the Philippines (RA 8749), which coincides with a recent order from the Director of the Environmental Management Bureau to immediately implement an information campaign on Rule LII of the Act, dealing with citizen suits. (Story continues online at http://www.inece.org/newsletter/enforcement_citizen.html)

US Courts Extends Corporate Liability Under International Law

In a decision with far-reaching ramifications for corporate responsibility and the protection of human rights and the environment, a US federal appellate court ruled that oil giant Unocal must stand trial for violations of international law committed by Burma's military during construction of a gas pipeline. A group of Burmese villagers sued UNOCAL under the Alien Tort Claims Act (28 U.S.C. 1350), a 1789 law that provides liability for "torts committed in violation of international law." The villagers argued that the corporation should be held liable for the torture, rape, murders, and wide scale environmental destruction committed by the Burmese military during the construction of Unocal's gas pipeline (Story continues online at http://www.inece.org/newsletter/enforcement_citizen.html)

Private Citizens Monitor California Coastal Development

California's 1,100-mile coast has a new watchdog: a retired tech mogul with a helicopter and a digital camera who is posting detailed photos on the Internet of every inch of the oceanfront, from the redwood-studded cliffs of the north to the rows of mansions crowding the south. Ken Adelman's two-week-old Internet site, the California Coastal Records Project attracts thousands of viewers daily and is being called a big technological advance for environmental activism. "You can click and see bulldozers on the beach," said Sierra Club coastal director Mark Massara. "You can see funky homemade seawalls and coastal resource degradation." (Story continues online at http://www.inece.org/newsletter/enforcement_citizen.html)

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