

# THE INECE NEWSLETTER

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International Network for Environmental Compliance and Enforcement

## INECE NEWS

other forms of cooperation, in a memorandum of understanding.

### INECE Cooperation with Environment Canada on Compliance Promotion Indicators

At the invitation of Environment Canada, the Secretariat participated in an internal Environment Canada workshop entitled "Performance Measures for Compliance Assurance: Indicators for Compliance Promotion and Enforcement" on March 25-26. The intent of the workshop was to develop indicators, collect information that would allow senior officials to measure the effectiveness of compliance tools and identify additional information for Environment Canada's Compliance, Analysis and Planning data warehouse. The workshop presented an excellent balance of case studies, multidisciplinary perspectives and actual indicator development exercises. For background information on the CAP database, please visit <http://www.inece.org/americas/EnvironCanada.htm>.



INECE Co-Chairs Gerard Wolters and John Suarez met with Secretariat Director Durwood Zaelke at the US EPA in January. Image by Davis Jones.

### Pacific Rim Environmental Criminal Enforcement Conference

#### WHAT IS INECE?

INECE is an informal network of over 2500 environmental enforcement practitioners from governmental agencies, NGOs and international organizations.

#### MISSION

INECE's mission is to contribute to a healthy and clean environment, sustainable use of natural resources and the protection of ecosystem integrity; through effective compliance and enforcement of environmental laws; using regulatory and non-regulatory approaches.

#### GOALS

INECE's Goals are to develop networks for enforcement cooperation; Strengthen capacity for compliance and enforcement; and raise awareness of the importance of environmental compliance and enforcement.

The INECE Secretariat participated in the Pacific Rim Environmental Criminal Enforcement Conference and in the opening of the Pacific Rim Environmental Enforcement Resource Center. The Secretariat introduced law enforcement officials ranging from customs agents, police officers, investigators, and prosecutors to INECE and its Asia, South America, and Central American regional networks, compliance and enforcement indicators projects and training and capacity building projects, and explored opportunities for the development of enforcement cooperation projects. In addition to participating in the conference, the Secretariat held side meetings with representatives from Interpol and customs organizations. The Interpol representative, based on the numerous synergies between organizations, has suggested formalizing the relationship with INECE on topics such as information sharing, training, and

### New INECE Central America Pesticides Forum Released

The INECE Secretariat recently completed the development of currently developing a Central American Pesticides Web Forum. The Forum, which is a result of a workshop at the 6th International Conference, features documents and information resources specific to the Central American region. The Forum builds upon technology infrastructure within chemical and pesticide offices in seven Central American countries. The Secretariat is coordinating its efforts with EPC member Marco Gonzalez of Comisión Centroamericana de Ambiente y Desarrollo (CCAD) in El Salvador, Carolina Mauri of EcoConsulta in Costa Rica, and the Chemical Information Exchange Network (CIEN). The CIEN project, which is cosponsored by El Programa de Naciones Unidas para el Medio Ambiente (PNUMA), the US EPA, and USAID, seeks to build technical infrastructure for chemical and pesticide stakeholders in Belize, Costa Rica, Guatemala, El Salvador, Honduras, Nicaragua, Panama, and Mexico. As part of these efforts, the Secretariat created a training module for use of the forum. Visit the Forum at <http://www.inece.org/centralamerica/>.



## INECE Releases Spanish Translation of International Environmental Inspection Guide on Web Site

The Spanish translation of Conducting Environmental Compliance Inspections: Inspectors Field Manual - International Edition (Inspecciones de Cumplimiento Ambiental: Manual de Campo del Inspector - Edición Centroamericano) is now available through the INECE Web site. The manual provides participants with an approach for effectively conducting environmental compliance inspections and becoming involved in the environmental compliance review and the resolution of any violations found. The manual can be downloaded from <http://inece.org/manual/>.

## New INECE Guide to Citizen Suits and Access to Justice

The INECE Secretariat developed a resource guide to Web sites addressing Citizen Suits and Access to Justice issues to complement our Public Access to Information Forum. The guide provides links to international NGOs working on citizen suits/justice issues, as well as country-specific resources such as local/regional NGOs, laws, case studies and analyses, and government resources. Resource Guide available at [http://inece.org/forumspublicaccess\\_citizen.html](http://inece.org/forumspublicaccess_citizen.html).

## INECE Contributions to International Compliance and Enforcement Efforts

INECE Secretariat wrote the forwarding remarks for BERGEN's soon to be released a report entitled *Current Legal Structure And Resources Available To The Environmental Protection Agencies And Inspectorates In The Countries Of South Eastern Europe*. The Report provides an assessment of enforcement program strengths and needs of its eight member countries. The data compiled in the Report will be of value to INECE as it develops and pilots test a set of compliance and enforcement indicators.

The Legal Department at the World Bank and INECE co-sponsored a workshop attended by over 50 persons on "Fostering Environmental Compliance in South America: Constraints and Opportunities." Panelists included Antonio Benjamin, Daniel Sabsay, and Durwood Zaelke. Charles Di Leva of the World Bank moderated the discussion, while EPC member Adriana Bianchi coordinated the meeting logistics. For further details on this meeting, see the Fostering Environmental Compliance in South America: Constraints and Opportunities article in the Americas Regional News section.

## Upcoming Events

*Executive Planning Committee Meeting:* The Spring 2003 EPC Meeting will be held in Washington, DC, USA on May 27th and 28th.

*Compliance and Enforcement Workshops In South America:* The School of Justices of Rio de Janeiro, Office of the Environmental Attorney General of Rio de Janeiro, The Green Planet Institute, in conjunction with INECE are sponsoring an International Workshop on Environmental Enforcement, May 30, 2003, in Rio de Janeiro, Brazil. Antonio Benjamin, Davis Jones, and Adriana Bianchi worked with the Secretariat to prepare a draft program for the workshop available at <http://www.inece.org/southamerica/SAworkshopWB.htm>.

*Johannesburg Summit: Next Steps Seminar:* The International Court of the Environment Foundation invited INECE to speak at the seminar entitled "Johannesburg Summit: Next Steps - The Role of Judiciary in the Implementation and Enforcement of the Environmental Conventions" scheduled for May 9-10 in Rome. Marcia Mulkey graciously offered to speak on behalf of INECE at the seminar. Ms. Mulkey, who most recently served as the Director of the US EPA's Office of Pesticides Programs, is currently on assignment in Rome developing a product that will support implementation of the International Code of Conduct on the Distribution and Use of Pesticides for the Food and Agriculture Organization of the United Nations. Ms. Mulkey has been an active INECE participant and instrumental in the development of the INECE Pesticides Forum. [See http://www.inece.org/forumspesticides.html](http://www.inece.org/forumspesticides.html).

## INTERNATIONAL NEWS

### Global Ministerial Forum to Build Upon World Summit on Sustainable Development

The twenty-second session of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme (UNEP), in Nairobi, Kenya, from February 3 to 7, 2003, addressed implementation in the wake of World Summit on Sustainable Development (WSSD), held this past August in Johannesburg, South Africa. UNEP's Executive Director prepared several reports in preparation of the February meeting. (Story continues online at <http://www.inece.org/newsletter/8/international.html>)



### IUCN Launches Academy of Environmental Law

In a move that will strengthen enforcement capacity around the globe, the World Conservation Union (IUCN) announced the creation of an international Academy of Environmental Law. IUCN's 2nd World Conservation Congress, in Resolution 2.24, endorsed the proposal from the Union's Commission on Environmental Law (CEL). After extensive study, the Steering Committee of the Commission at its Steering Committee meeting in South Africa in August, 2002, recommended that the Council of IUCN authorize the establishment of the Academy as an autonomous entity, associated with the Union's Environmental Law Programme. (Story continues online at <http://www.inece.org/newsletter/8/international.html>)

### World Water Forum to Address Legal Frameworks

Law enforcement frameworks were one of the many issues addressed at the 3rd World Water Forum, held March 16 - 23 in Kyoto, Japan. Forum participants identified concrete actions to address issues of human requirements for adequate water supplies, improved health and sanitation with food production, transportation, energy and environmental needs, and methods for developing more effective governance and



improving capacity and financing. Some 24,000 participants from 182 countries, more than triple the number of participants expected, attended the sessions. They agreed that the “community level public participation is fundamental to achieving these goals,” and that the “common basic requirement for water is an opportunity for cooperation and peace.” (Story continues online at <http://www.inece.org/newsletter/8/international.html>)

a resolution on access to environmental information passed by the São Paulo State Environmental Secretariat in 1996. (Story continues online at [http://www.inece.org/newsletter/8/regional\\_americas.html](http://www.inece.org/newsletter/8/regional_americas.html))

## REGIONAL NEWS

### *Africa and the Middle East*

#### **Africa Environment Information Network Stakeholders Meeting**

INECE participated in the United Nations Environment Programme’s (UNEP) Africa Environment Information Network Stakeholders Meeting in Pretoria, South Africa, on February 24-26, 2003. EPC Co-chair Charles Sebukeera was one of the principal organizers of the event. Salim Ebrahim, who assisted INECE with activities at the World Summit on Sustainable Development, attended the stakeholders meeting on behalf of INECE. Mr. Ebrahim formerly served as Director to the Gauteng Province Directorate of Environment in South Africa.

#### **UNEP Releases African Environment Outlook**

On July 4, 2002, the United Nations Environment Programme (UNEP) released the Africa Environmental Outlook publication, a report which has been described as the most comprehensive and authoritative assessment of the Continent’s environment ever produced.

Klaus Toepfer, Executive Director of UNEP, said at the launch in Kampala, Uganda: “This pioneering assessment on the state of Africa’s environment will be invaluable for governments on the Continent and across the world in prioritizing efforts to achieve a new dawn for these lands. It will also be a vital report for nations meeting at the World Summit on Sustainable Development (WSSD) which opens at the end of August in Johannesburg” (quoted from a press release published by UNEP.) The publication was recently approved by the African Ministers of the Environment, and will be used as a method to measure success of Africa’s efforts towards achieving sustainable development. (Story continues online [http://www.inece.org/newsletter/8/regional\\_africa.html](http://www.inece.org/newsletter/8/regional_africa.html))

### *Americas*

#### **Brazilian Access to Environmental Information Law**

Brazil recently approved a law on access to environmental information (Law No.10.650, of April 16, 2003). The bill was introduced in Congress by representative Fabio Feldmann, with the support of representative Rita Camata, in 1998 and was drafted with the help of jurists and environmental technicians based on the experience of implementation of

#### **NACEC Recommends Factual Record for Ontario Logging Submission**

On November 12, 2002, the Secretariat of the Commission for Environmental Cooperation of North America recommended to the CEC Council that a factual record be developed for the Ontario Logging submission (SEM-02-001). The submission alleges that Canada is failing to effectively enforce subsection 6(a) of the Migratory Birds Regulations adopted under the Migratory Birds Convention Act, 1994, in regard to logging in Ontario. Subs. 6(a) of the Migratory Birds Regulations makes it an offense to disturb, destroy or take a nest or egg of a migratory bird without a permit. (Story continues online at [http://www.inece.org/newsletter/8/regional\\_americas.html](http://www.inece.org/newsletter/8/regional_americas.html))



#### **Fostering Environmental Compliance in South America: Constraints and Opportunities**

On February 10, 2003, the INECE Secretariat co-sponsored a panel discussion “Fostering Environmental Compliance in South America: Constraints and Opportunities” where a over fifty individuals heard presentations and participated in a round table discussion concerning environmental compliance and enforcement challenges facing South American countries. The gathering at the World Bank in Washington, D.C., also cosponsored by the World Bank Institute and the Government of the Netherlands, focused on the need to understand the limitations and opportunities that countries in South America face in safeguarding and improving environmental quality in the face of development pressures. (Story continues online at [http://www.inece.org/newsletter/8/regional\\_americas.html](http://www.inece.org/newsletter/8/regional_americas.html))



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## IUCN Releases Book on Promoting Environmental Law in China

IUCN's Promoting Environmental Law in China Program recently published the first volume of the "International and Comparative Environmental Law Review." The book contains Chinese translations of the latest and most important academic papers, research reports, cases, treaties, and national statutes in the field of international and comparative environmental law. It provides valuable reference materials for Chinese scholars, legislators, governmental officials, members of the judiciary, and law students who are interested in environmental law. Many world famous scholars of environmental law, including Commission for Environmental Law members Prof. Alexandre Kiss, Prof. Edith Brown-Weiss, Prof. Philippe Sands, Prof. Dan Tarlock, and Environmental Law Centre Senior Counsel Dr. Françoise Burhenne-Guilmin, contributed papers. The book is made of three parts: International Environmental Law, Comparative Environmental Law and Documents. To purchase a copy of the book, please contact [webmaster@chinalaw-book.com](mailto:webmaster@chinalaw-book.com) or <http://www.chinalaw-book.com> (Note: The publication and this Web site are available in Chinese only.)

## Europe

### OECD Promotes Environmentally Sustainable Transport

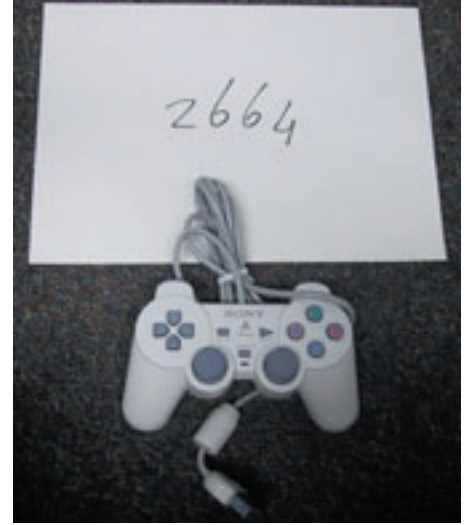
The Organization for Economic Cooperation and Development (OECD) is hosting a series of workshops and conference to improve compliance environmentally sustainable transport policies. The first event, a workshop entitled *Communicating Environmentally Sustainable Transport - The roles of soft measures in achieving Environmentally Sustainable Transport*, was held in Berlin, Germany, from December 5-6, 2002. It explored how soft measures, a means of promoting voluntary compliance, can be used to encourage Environmentally Sustainable Transport. Progress towards Environmentally Sustainable Transport requires a mix of measures designed to achieve the necessary changes in vehicles, infrastructure and transport-related behavior. The workshop explored how soft measures (information, communications strategies, and education), as well as media, advertising and marketing, can best contribute to the attainment of Environmentally Sustainable Transport. (Story continues online at [http://www.inece.org/newsletter/8/regional\\_europe.html](http://www.inece.org/newsletter/8/regional_europe.html))

### BERCEN Celebrates First Anniversary

The Secretariat of the Balkan Environmental Regulatory Compliance and Enforcement Network (BERCEN) celebrated its first anniversary on December 4, 2002. BERCEN was established by high-level officials from the environmental ministries of South Eastern Europe in Tirana, Albania, in December 2001. The current member countries of BERCEN are: Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, and FYR Macedonia are the current members of BERCEN. Bulgaria and Romania are permanent observers. (Story continues online at <http://www.inece.org/>)

## Dutch Inspectorate Blocks Import of Cadmium-Containing Products

The Dutch VROM-Inspectorate blocked the import of 2.5 million products worth approximately \$248 million USD (€ 226 million) due to significantly high levels of cadmium. The materials were detected by Customs in the Dutch city of Tilburg at the European distribution center of Sony. The quantity of cadmium ranged from 3 to 30 times the allowed concentration. Sony tried to reverse the ban on the products, but the VROM-Inspectorate imposed a penalty with a maximum of \$18.5 million (€ 17 million). All products were transported to the United Kingdom, where the parts of the products with illegally high levels of cadmium were replaced and destroyed. (Story continues online at [http://www.inece.org/newsletter/8/regional\\_europe.html](http://www.inece.org/newsletter/8/regional_europe.html))



Cadmium-containing game controller. Image courtesy of VROM.

## ENFORCEMENT TOPICS

### Air & Atmosphere

#### Enforcement of the Ozone Depleting Substances Regulation 2037/2000 by the VROM-Inspectorate (Netherlands)

In 2001, the VROM-Inspectorate, together with other enforcement agencies in the Netherlands, conducted compliance monitoring and enforcement of the Ozone Depleting Substances Regulation. This was part of the European compliance monitoring and enforcement action Eurozone. The report will be available mid-2003. (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_air.html](http://www.inece.org/newsletter/8/enforcement_air.html)).

#### South Africa Orders Foundry's Closure for Air Quality Violations

On December 13th, 2002 the Director General of the Department of Environmental Affairs and Tourism, Dr. Crispian Oliver ordered the closure of Vesuvius South Africa (Pty) Ltd for violating Section 31A of the Environment Conservation Act of 1989. The Act gives the Minister the power to cease activity - or to take such steps as the Minister or a competent authority may deem fit - where the environment is damaged, endangered, or detrimentally affected, with a view to eliminating, reducing or preventing the damage, danger, or detrimental effect. After receiving several complaints from the public about dust emissions emanating from the premises of Vesuvius South Africa (Pty) LTD, the Department of

Environmental Affairs and Tourism advised the company that it does not comply with air quality requirements as documented on the registration certificate No. 23/4/508 dated February 15, 2000. (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_air.html](http://www.inece.org/newsletter/8/enforcement_air.html))

## Man Sentenced in US for CFC Conspiracy

Douglas E. Castle, of Huntington, N.Y., was sentenced on November 7, 2002 in U.S. District Court in New Haven, Connecticut, for conspiracy to defraud the United States of taxes due on hundreds of tons of chlorofluorocarbon



refrigerant gasses (CFCs). His sentence included 15 months in prison, followed by three years of supervised release. Castle admitted that he assisted his co-defendants Barry Himes, John Mucha and Richard Pelletier in their conspiracy. Castle set up a shell company in Wyoming that was used to import CFCs. He also used a false loan agreement to conceal the receipt of income and processed more than \$1.3 million of CFC sales from offshore bank accounts and a Nevada bank account through his New York bank. CFCs are highly regulated because their release into the atmosphere damages the Earth's ozone layer, which protects people, animals and plants from the harmful effects of ultraviolet radiation. EPA's Criminal Investigation Division, the Internal Revenue Service's Criminal Investigation Division, and the US Customs Service investigated the case. For more information, visit [http://www.inece.org/newsletter/8/enforcement\\_air.html](http://www.inece.org/newsletter/8/enforcement_air.html).

## Citizen Enforcement

### EPA's Online Tool Offers Facility's Compliance Information



In a move that will help ordinary citizens monitor compliance with environmental laws, the U.S. Environmental Protection Agency (EPA) launched an innovative information tool that gives the public and industry direct access to the current environmental compliance record of more than 800,000 regulated facilities nationwide. (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_citizen.html](http://www.inece.org/newsletter/8/enforcement_citizen.html))

### Book Addresses Access to Justice in Environmental Matters in EU

*Access to Justice in Environmental Matters in the European Union*, edited by Jonas Ebbesson, addresses a topic of increasing importance for citizen enforcement. European Community (EC) law on access to justice is being drafted and changes can be observed in the laws of the European Union (EU) member states in the wake of the 1998 Aarhus Convention. The convention acknowledges that environmental protection can only be achieved through the involvement of all stakeholders. This book is

a state-of-the-art guide to access to environmental justice matters in the European Union. It provides a thematic and comparative introduction of the topic, followed by thorough descriptions of EC law and the law of each EU member state. This book is the third volume in Kluwer's Comparative Environmental Law and Policy Series and can be ordered at <http://www.wkap.nl/home/topics/8/3/?type=Books>.

## Corporate Accountability

### Index Ranks Environmental Performance of Australia's Largest Corporations

A new corporate reputation index may prompt companies to improve their environmental practices. A coalition of environmental groups, a state agency and a corporate sustainability ratings service released the 2002 Good Reputation Index on October 29th, which assesses how key stakeholders perceive Australia's 100 largest companies. They are judged on several criteria, including environmental performance, which was made by three environmental groups (Greenpeace Australia, the Australian Conservation Foundation, and the Wilderness Society), the Environment Protection Authority of Victoria, and the Monash Center for Environmental Management. Such ratings are widely touted as cost-effective tools for leveraging public opinion in order to encourage corporate compliance with environmental regulations. IBM, Coca-Cola, and Toyota were among the top ten. The survey results can be downloaded from <http://www.reputationmeasurement.com.au/reputation.html>.

## Freshwater

### Sierra Club Forces Texaco to Clean Up Wyoming River

The Sierra Club successfully forced Texaco to clean up the North Platte River below an old refinery site near Casper, Wyoming after a seven-year court battle to bring the oil company in to compliance with the Clean Water Act. The Sierra Club first sued Texaco in 1993 for discharging thousands of gallons of oil and other toxic pollutants into the North Platte River from its inactive refinery at Evansville, Wyoming. The refinery operated from 1923 to 1982. Texaco agreed in 1995 to a court order that would have prohibited further pollution of the river. In 1999, after Texaco's efforts failed, an amended court order required Texaco to construct an impermeable barrier wall between the refinery site and the river. (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_water.html](http://www.inece.org/newsletter/8/enforcement_water.html))

### Scottish EPA Fines Local Government for Water Pollution

Dumfries and Galloway Council pled guilty to two charges of causing leachate to enter a local water tributary and were fined £5000 at Dumfries Sheriff Court on 23 August 2002. The leachate entered an unnamed tributary of the Lochar Water from their Locharmoss Waste Disposal Site in December 2000. Leachate is the polluted liquid that results when water passes through waste and picks up breakdown products and soluble elements. The prosecution was the result of a report submitted to the Procurator Fiscal by the Scottish Environment Protection Agency (SEPA) after a thorough investigation. (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_water.html](http://www.inece.org/newsletter/8/enforcement_water.html))

## Columbia Revokes Sugar Mill's License in Favor of Small-Scale Production

In a decision favoring local small-scale sugar production, the Colombian Ministry of Environment announced November 8th, 2002 the revocation of an environmental license for a high-tech sugar mill. The



Ministry cited the mill's contamination of air and water as well as social factors affecting the local self-sufficient peasant economy. (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_waste.html](http://www.inece.org/newsletter/8/enforcement_waste.html))

## Honeywell Fined for Chemical Reporting Violations

Honeywell International agreed in September to pay a \$36,000 fine to settle charges that fires at one of its tar plants released coal tar to the atmosphere. The U.S. Environmental Protection Agency (EPA) had filed an administrative complaint against Honeywell for violation of federal laws on the reporting of hazardous chemical releases. The complaint, filed March 29, 2002, was based on two separate incidents that resulted in the release of coal tar. A fire at Honeywell's tar plant in Detroit, Michigan on February 5, 1998 released between 7,000 and 8,000 gallons of coal tar. On December 17, 1999, a second fire at the same plant released about 4,500 pounds of coal tar. After the incidents, the company failed to immediately notify the National Response Center, the Michigan State Emergency Response Commission and the local emergency planning committee - in this case, the Detroit Fire Department. Honeywell also failed to provide written follow up reports to the Michigan State Emergency Response Commission and the city of Detroit's local emergency planning committee after the second fire. These reports are required as soon as practicable after such incidents. Coal tar contains the hazardous chemicals benzo (a) pyrene and dibenz (a, h) anthracene, which when heated can evaporate into clouds. Both chemicals are suspected carcinogens. Prolonged exposure to coal tar fumes, vapors or dust can cause irritation or burning to the eyes or respiratory tract. Ingestion of coal tar may cause irritation to the gastrointestinal tract, nausea and vomiting. This story first appeared on the Environmental News Service at <http://ens-news.com/>

## Cambodians Arrest Plastic Smugglers

Three men have been arrested for illegally shipping plastic bags and other garbage into Cambodia in the latest crackdown on the importation of banned waste, officials said this week. Police discovered more than 64 tons of plastic waste stashed in five shipping containers during a raid on a Phnom Penh dock on Tuesday. The men face a maximum penalty of one year in jail and/or a \$12,650 (50 million riel) fine. The latest waste products were shipped from Shanghai, China, and arrived last week at Cambodia's main seaport of Sihanoukville. Authorities are unsure how the shipment cleared customs and are unsure whether the shipment originated in

China. Authorities will conduct tests to determine if the waste contained toxic substances said Chea Sina, a pollution control official at Cambodia's Environment Ministry. A shipment of 3,000 tons of toxic waste from Taiwan in 1998 first highlighted the problem and caused an international scandal when it was discovered dumped near Sihanoukville. Nearby residents rioted and fled in panic, and four people were killed in traffic accidents in the exodus. Another two mysteriously died after handling the waste. The waste was re-exported and one Cambodian businessman fined and jailed for seven months. A Cambodian-Chinese translator and two Taiwanese were convicted in absentia. A longer version of this article originally appeared on the Environmental News Network at [http://www.enn.com/news/wire-stories/2002/09/09202002/ap\\_48477.asp](http://www.enn.com/news/wire-stories/2002/09/09202002/ap_48477.asp).

## Judges and Prosecution

### Judges Discuss Development of Environmental Law in the Arab Region

Building on the momentum of UNEP's Global Judges Forum held at the WSSD this past August, more than 50 judges from Egypt, Kuwait, Jordan, Morocco, Tunisia, Lebanon, Qatar, Bahrain, Oman, and Yemen (together with a judge from Australia) met in Kuwait from October 26-28, 2002



for the First Conference on the Role of the Judiciary in the Development of Environmental Law in the Arab Region.

This follow-up to the INECE-cosponsored WSSD Judges Forum was hosted by the State of Kuwait, in cooperation with the Arab Regional Center for Environmental Law, the IUCN Environmental Law Programme, and UNEP. Issues addressed during the conference included the need for specialized environment courts and the importance of environmental education for law students and for the judiciary. Professor Nicholas Robinson, Chair of the Commission for Environmental Law, addressed the conference about the ongoing efforts of IUCN and UNEP to actively engage the judiciary from around the world. A copy of the address is available online at <http://www.iucn.org/themes/law/pdfdocuments/KuwaitJudgesSymposiumOct2002.pdf>.

### European Judges Recognize Importance of Environmental Enforcement

Judges from across Europe met in London, October 10-11, 2002, to discuss implementation of the WSSD Plan of Implementation, insofar as it relates to the role of the judiciary in achieving sustainable development. The Symposium address numerous issues, including: ability of citizens to obtain access to the courts, the pros and cons of establishing specialist environment courts, the principal features of environmental rights and liabilities in Europe, and the role of judges in developing the law. Lord Woolf, Lord Chief Justice of England and Wales opened the Symposium,

which was convened by the IUCN Commission on Environmental Law. INECE partner Donald Kaniaru, Director UNEP, also addressed the meeting. The Symposium agreed by acclamation to the 'London Bridge Statement', which recognizes "the value to society of enhancing the ability of citizens to obtain access to the courts to further enhance the effective implementation, compliance with, and enforcement of, environmental laws." The full text of the statement is available online at <http://www.iucn.org/themes/law/pdfdocuments/London%20Bridge%20Statement.pdf>.

### Monitoring & Inspections

## Environment Canada Develops Compliance Analysis and Planning Database

Environment Canada (EC) is developing a Compliance Analysis and Planning database to better assess compliance within Environment Canada's regulatory framework and, further, to determine where Environment Canada should place priorities to improve compliance. The Compliance Analysis and Planning database will enable Environment Canada to report on industry compliance by facility, industry, sector, regulation and size of company (i.e. small, medium, large). It will also provide a powerful analytical tool for Environment Canada to establish its regulatory enforcement priorities. (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_inspect.html](http://www.inece.org/newsletter/8/enforcement_inspect.html))

### Oceans & Coasts

## Argentine Court Orders Shell to Cleanup Coastline



Oil from Estrella Pampeana 4 hours after the accident.  
Image from salvage-survey.com.ar.

near Buenos Aires (Municipality of Magdalena Against Shell CAPSA and Other About Handling of Dangerous Waste, No. 31813). (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_water.html#oceans](http://www.inece.org/newsletter/8/enforcement_water.html#oceans))

## Columbia Shut Down Coal Loading Company

The Colombian Ministry of Environment announced November 7th that it had suspended the operations of a private sector company responsible for loading coal on ocean faring vessels in the Caribbean port of Santa Marta, citing its damage to the marine environment. Under Resolution No. 1005, the Ministry found that la Sociedad Operadora de Carbon de Santa Maria (Carbosan Ltda.) had caused grave damage to the marine environment. (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_water.html#oceans](http://www.inece.org/newsletter/8/enforcement_water.html#oceans))

## Workshop Addresses Marine Enforcement in the Indian Ocean

The US State Department, through their embassy in Ethiopia, organized a *Workshop on Marine Enforcement in the Indian Ocean* that was held in Port Louis, Mauritius, from April 8 to 12, 2002.

Indian Ocean coastal States face significant threats to marine resources within their Exclusive Economic Zones, particularly through the activities of illegal, unregulated, and unreported fishing vessels. A lack of capacity and resources hampers the ability of the majority of affected States in carrying out effective controls at sea and port States, and the over-harvesting of marine resources has clear conservation and food security implications for the region. (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_water.html#oceans](http://www.inece.org/newsletter/8/enforcement_water.html#oceans))

### Wildlife & Habitat

## Canada Seizes Endangered Animal Parts

A series of search warrants, executed simultaneously on November 20, 2002, resulted in the seizure of more than 260 black bear gall bladders. Environment Canada Wildlife Enforcement Officers, the Quebec and Ontario Provincial Conservation officers, the RCMP and the Toronto Police Service, executed 60 search warrants



in businesses and private dwellings in Quebec and Ontario. All individuals are suspected of being involved in a large bear gall bladder trafficking network with possible links in Quebec, Ontario, the United States of America and Asia.

Environment Canada received information from United States Fish and Wildlife Service (USFWS) Intelligence about the sale of bear gall bladders via the Internet. This information led to an extensive investigation that uncovered a large network of trade and traffic in gall bladders and other wildlife. (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_wildlife.html](http://www.inece.org/newsletter/8/enforcement_wildlife.html))

## UK Creates National Wildlife Crime Intelligence Unit

Michael Meacher, the United Kingdom's Environment Minister, announced the creation of a new National Wildlife Crime Intelligence Unit to counter the organized multi-million dollar illegal wildlife trade. The new Unit, based within the National Criminal Intelligence Service, will concentrate on combating serious wildlife crime at both national and international levels. The Department for Environment, Food and Rural Affairs is contributing \$707,000 (£440,000) towards the establishment of the Unit. Police Chief Constables are contributing a further \$160,808 (£100,000). (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_wildlife.html](http://www.inece.org/newsletter/8/enforcement_wildlife.html))

## IUCN/ITTO Workshop to Address Transboundary Conservation Areas in Tropical Forests

Coordination of enforcement and policy development was on the agenda at the *Workshop on Transboundary Conservation Areas in Tropical Forests* on February 17-21, 2003 in Ubon Ratchathani, Thailand, sponsored by IUCN and the International Tropical Timber Organization (ITTO).

There is growing recognition that effective biodiversity conservation depends on an ecosystem management approach that integrates protected area management into wider land- and water- use planning. Ecosystems and species do not recognize political borders, which have usually been defined for historical and geo-political reasons, without reference to ecological functions or processes. Clearly, strategies to conserve biodiversity must emphasize transboundary cooperation in relation to shared ecosystems and other conservation concerns. (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_wildlife.html](http://www.inece.org/newsletter/8/enforcement_wildlife.html))



## Leading Caviar Smuggler Pleads Guilty

A United States man for Long Island, NY who prosecutors say is the largest distributor of caviar in the country pleaded guilty yesterday to violating endangered species laws. Caviar comes from sturgeon, the majestic fish that have been depleted worldwide because of the voracious human appetite for their eggs.

Arkady Panchernikov, an owner of Caviar Russe, the Madison Avenue caviar bar, pleaded guilty to six counts of trafficking without proper permits and to falsely labeling inferior grades of caviar as beluga. He faces a prison term of up to 21 months, a penalty of \$400,000, and the loss of his import license. (Story continues online at [http://www.inece.org/newsletter/8/enforcement\\_wildlife.html](http://www.inece.org/newsletter/8/enforcement_wildlife.html))

## RECENT PUBLICATIONS

### Book Addresses Environmental Law and Enforcement in the Asia-Pacific Rim

*Environmental Law and Enforcement in the Asia-Pacific Rim* (2002), edited by Terri Mothershead, is a comprehensive guide to the environmental laws of 16 countries across the region. A team of highly respected authors summarizes and reviews environmental regulation in the region, focusing on the impact that these laws have upon stakeholders. (Story continues online at <http://www.inece.org/newsletter/8/publications.html>)

## Text Discusses Using Financial Organizations to Regulate Environmental Protection

*Environmental Regulation through Financial Organizations: Comparative Perspectives on the Industrialized Nations*, by Benjamin J. Richardson, examines the emerging role of banks, insurers and institutional investors as organizations for articulating and strengthening environmental law and compliance in the industrialized nations. Taking a comparative perspective of practice in the European Union, North America, Japan and Australasia, the book argues that existing legal reforms to promote sustainable development are unlikely to be successful unless environmental policy can be diffused and embedded in the financial services sector. This sector plays a crucial role in creating the financial conditions that allow much economic development to proceed. (Story continues online at <http://www.inece.org/newsletter/8/publications.html>)

## International Reports Track Environment and Development Issues

Three annual reports were recently released that are required reading for those interested in international and domestic environmental policy.

The *Global Environmental Outlook: 3*, published by the United Nations Environment Program, is an overview of major developments between 1972 and 2002 that highlights significant milestones and integrates environmental, economic and social factors within a unified worldview. The report presents a global overview and also directs a spotlight onto two or three key issues that are considered paramount in each of the seven regional arenas under each of eight environmental themes in turn: land, forests, biodiversity, freshwater, coastal and marine areas, atmosphere, urban areas and disasters. *Global Environmental Outlook: 3* is available at <http://www.unep.org/geo>. (Story continues online at <http://www.inece.org/newsletter/8/publications.html>)

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