



YEAR-END REPORT  
JANUARY 2006

Dear Friends,

On behalf of the International Network for Environmental Compliance and Enforcement (INECE), it is my privilege to report on the successes of our network during 2005, which include hosting INECE's 7th International Conference in Marrakech, Morocco, publishing *Making Law Work: Environmental Compliance & Sustainable Development*, and helping launch a new regional network for the Maghreb Region of North Africa.

Thanks to the contributions of our dedicated participants, INECE made great progress this year toward strengthening the fundamental role that environmental compliance and enforcement play in building the foundation for the rule of law and good governance, and, ultimately, for sustainable development.

When reviewing the following list of accomplishments, we encourage you to follow the links to the INECE web site for further information on the network's activities.

#### CROSSCUTTING ACTIVITIES

- 1. Hosting the 7th International Conference in Marrakech, Morocco.** Participants at INECE's 7th International Conference for Environmental Compliance & Enforcement, held in April 2005 in Marrakech, affirmed the fundamental role of environmental compliance and enforcement in supporting the rule of law, strengthening good governance, and securing progress toward sustainable development. INECE gathered 188 participants from 63 countries and 124 organizations, from all regions of the world, for a weeklong event featuring six plenary sessions, 24 workshops, field visits, and other networking activities. In addition, INECE continued its tradition of co-sponsoring a Regional Conference and a day of enforcement training and started a new tradition of making a documentary film of the Conference. The text of the "[INECE Marrakech Statement](#)" – along with reports and recommendations from the panels – can be found at <http://inece.org/conference/7/>. The film can be accessed at <http://inece.org/conference/7/media/>.
- 2. Publishing *Making Law Work*.** INECE published *Making Law Work: Environmental Compliance & Sustainable Development*, a two-volume treatise containing the best literature on topics including: compliance theories, multilateral environmental agreements in action, domestic enforcement strategies, NGO compliance strategies, information regulation, compliance assistance, indicators, networks, and competitiveness. Chapter 1 of the book, "Compliance, Rule of Law, & Good Governance," has been

translated into Arabic and Chinese, and *Making Law Work* was cited by the new WTO Director General, Pascal Lamy, in a recent speech on globalization and governance ([http://www.wto.org/english/news\\_e/sppl\\_e/sppl12\\_e.htm](http://www.wto.org/english/news_e/sppl_e/sppl12_e.htm)). More information about the book is available at: <http://inece.org/makinglawwork.html>.

## DEVELOPING NETWORKS FOR ENFORCEMENT COOPERATION

- 1. Supporting the Launch of the Maghreb Regional Network.** Participants at the April North Africa Regional Conference in Marrakech agreed that a regional network affiliated with INECE was essential for promoting good practices and strengthening cooperation in the region. Since then, key stakeholders from Morocco, Tunisia, Algeria, and Mauritania have been working together to establish a Maghreb Regional Environmental Compliance and Enforcement Network. In December, INECE was invited to participate in an international symposium in Tunisia on “Le droit de l’environnement, la bonne gouvernance et le développement durable” and facilitated a workshop there on the new network, with the support of GTZ, the German development agency. The Maghreb network is expected to officially launch in early 2006 in Rabat, Morocco. <http://inece.org/mena/>.
- 2. Assisting with the Launch of the Asian Regional Network.** New opportunities for enforcement cooperation resulted from the launch of the Asian Environmental Compliance and Enforcement Network (AECEN), with the financial support of the Asian Development Bank and the United States Agency for International Development, and in partnership with experts from the U.S. EPA, the OECD, and INECE. INECE helped organize a regional training workshop in August in Manila, Philippines, for senior Asian environmental officials on developing environmental compliance and enforcement (ECE) indicators. More information about AECEN can be found at <http://inece.org/aecen/>.
- 3. Promoting Compliance Strategies for Emissions Trading Systems.** INECE continued to promote good practices for monitoring, reporting, and verification in emissions trading systems. In partnership with the Environment Agency (England & Wales), VROM, the European Commission, the U.S. EPA, Resources for the Future, and American University Washington College of Law, INECE brought together sixty-five participants from governments, international organizations, non-governmental organizations, third-party verifiers, and industry at the “Confidence Through Compliance in Emissions Trading Markets” workshop in Washington, D.C. in November 2005. The key outcomes of the workshop included: (1) a focused agenda for future cooperation and research on monitoring, reporting, and verification; (2) raised awareness that compliance is key to establishing confidence in emissions markets; and (3) new knowledge from shared experiences from the E.U. Emission Trading System for carbon dioxide, the U.S. programs for sulfur dioxide and nitrogen oxides, and programs in Japan, Canada, and Australia. The agenda, background paper, and presentations from the workshop are available at <http://inece.org/emissions/>.

4. **Fostering Enforcement Cooperation to Combat Illegal Logging.** Law for a Green Planet, the Brazil Ministry of the Environment, the Brazil Environmental Agency, the State Court of Amapá, the Sociedad Peruana Derecho Ambiental, Imazon, INECE, and the U.S. Embassy designed an enforcement cooperation project to combat illegal forestry practices in the Amazon, including plans for an August 2006 seminar to build enforcement capacity for judges, public prosecutors, and other stakeholders. INECE also launched a new forum to address illegal logging, which can be found at <http://inece.org/forumslogging.html>.

## STRENGTHENING CAPACITY FOR COMPLIANCE & ENFORCEMENT

1. **Developing Indicators to Measure and Manage Environmental Compliance & Enforcement Activities.** The INECE Indicators Expert Working Group continued to provide tools for institutions throughout the world to better measure and manage their compliance and enforcement programs through indicators pilot projects. These include a pilot project targeting Costa Rican forestry law enforcement, a project in the Philippines, and projects in conjunction with the World Bank Institute (in Argentina, Brazil, and Mexico) and the OECD (in Russia and Ukraine). The INECE Indicators Expert Working Group published the [Performance Measurement Guidance for Compliance and Enforcement Practitioners](#) and, in response to strong demand from its participants, is developing a new training program based on the Guidance. INECE, in partnership with UNEP, also launched a pilot project to assist countries in identifying opportunities to create efficiencies in the implementation of biodiversity-related multilateral environmental agreements through the use of environmental compliance and enforcement indicators. INECE and UNEP are working with Brazil, Costa Rica, Kenya, and South Africa to assess specific compliance and enforcement challenges associated with the implementation of biodiversity laws. More on environmental compliance and enforcement indicators can be found at <http://inece.org/indicators/>.
2. **Developing a Research Agenda.** INECE, in partnership with the Program on Governance for Sustainable Development at the Bren School of Environmental Science & Management, University of California, Santa Barbara, bridged the gap between practitioners and academics in October, when it convened a group of international compliance and enforcement experts to establish a research agenda that responds to the real-world needs of practitioners. Participants agreed upon topics that require further research, including: the relationship of compliance to rule of law, good governance, and sustainable development; strengthening implementation of multilateral environmental agreements; drivers of national compliance; the role of the public and NGOs; measuring progress with indicators; and improving the methodology and empirical basis of compliance research. The agenda, background papers, and a list of workshop participants are available at <http://inece.org/ucsb/>.
3. **Promoting Good Water Governance.** INECE, in conjunction with the U.S. State Department, the Smithsonian Institution, and UNDP's "Institute@" partnership, developed a training program designed to build capacity on the environmental compliance and enforcement aspects of good water governance. The course includes modules on writing an enforceable requirement, promoting compliance with enforceable

requirements, and using performance indicators for environmental compliance and enforcement programs, and includes a case study and class exercises focusing on the pollution of rivers. INECE, through the U.S. EPA, delivered an early version of the course at the Commission on Sustainable Development in April 2005 that led to additional capacity building in Columbia. The course can be found online at <http://inece.org/water/>.

4. **Strengthening INECE's relationship with Universities and NGOs.** INECE is collaborating with IUCN and UNEP to develop the environmental law component of the research agenda and will co-sponsor the 2006 Colloquium "Implementing Environmental Legislation: The Critical Role of Enforcement and Compliance," to be held from 16-20 October 2006 at Pace University School of Law in New York. The Colloquium builds upon the October 2005 INECE Research Agenda Workshop described above.

#### RAISING AWARENESS OF THE IMPORTANCE OF COMPLIANCE & ENFORCEMENT

1. **Promoting *Making Law Work*.** INECE reached new audiences through broad promotion and distribution of *Making Law Work*, including at the United Nations Climate Change Conference (COP11) in Montreal, Canada, (thanks to the great help from Environment Canada), at the Seventeenth Meeting of the Parties to the Montreal Protocol in Dakar, Senegal, and to an international audience at American University in Washington, D.C. (Podcast at <http://www.podcast.net/show/10922>). As part of its media strategy to ensure access to the book's important information and messages, INECE also created short films to introduce our participants to key topics in the book. The films can be found at <http://inece.org/mlw/mlw/mlw/>.
2. **Disseminating Enforcement News.** INECE promoted stories of success and good compliance and enforcement practices through the publication of two editions of the INECE Newsletter and through periodic updates on our activities, which can be found at <http://inece.org/news.html>.
3. **Sharing the INECE Message on Environmental Compliance & Enforcement.** INECE educated new audiences on its enforcement message and built capacity through presentations at international and regional meetings. Many presentations are available at <http://www.inece.org/library/presentations.html>.
4. **Utilizing the Web.** INECE continued to increase its reach through the INECE website, where traffic grew 58% and page views increased over 400% from 2004. The site now receives more than 250,000 hits and 20,000 unique visits per month. Popular resources include:
  - The 7th Conference Proceedings (<http://inece.org/conference/7/>)
  - *Making Law Work* (<http://inece.org/makinglawwork.html>)
  - Topical forum pages (<http://inece.org/forums.html/>)
  - Compliance with emissions trading schemes (<http://inece.org/emissions/>)
  - The INECE Newsletter (<http://inece.org/newsletter/>).

## INECE GOVERNANCE

1. **Expanding the INECE Network.** Many more people participated in INECE throughout the year, representing national, state, and local environmental departments; compliance and enforcement authorities; international organizations; international and national nongovernmental organizations; academia; and the private sector.
2. **Expanding the INECE Executive Planning Committee (EPC).** The INECE EPC strengthened its governance this year by selecting Antonio Benjamin as the new co-chair of the EPC and by welcoming seven new members: Mr. Paul Cuillerier, Environment Canada; Mr. Mihail Dimovski, Representative, Environmental Compliance and Enforcement Network for Accession; Dr. Hilda Farkas, Representative, European Network for the Implementation and Enforcement of Environmental Law; Mr. Brendan Gillespie, Organisation for Economic Co-operation and Development; Dr. Bakary Kante, United Nations Environment Programme; Deputy Chief Justice Adel Omar Sherif, Supreme Constitutional Court, Egypt; and Dr. Supat Wangwongwatana, Representative, Asian Environmental Compliance and Enforcement Network. See <http://inece.org/overview/epc.html> for more information.
3. **Initiating the Long-Range Planning Process.** Recognizing the importance of planning for the future, INECE initiated a long-range planning process designed to overlap with and constructively build on the process of revising the INECE 3-Year Strategic Implementation Plan. INECE thus formed an Ad Hoc Advisory Group on Long-Range Planning to extrapolate from INECE's present role and activities, explore emerging trends of relevance to INECE, and offer recommendations about a range of factors including INECE's mission and goals, its strategies and activities, its finances, and its external relationships. Donald Kaniaru, formerly with UNEP and now Chair of Kenya's National Environment Tribunal, is chairing the Ad Hoc group, whose members include:
  - Rafael Asenjo, former Executive Secretary, CONAMA, Chile;
  - Antonio Benjamin, Law for a Green Planet Institute, Brazil;
  - Jo Gerardu, INECE co-founder (recently retired from VROM, The Netherlands);
  - Brendan Gillespie, OECD;
  - Dan Guttman, Shanghai Jiao Tong & Tsinghua Universities;
  - Davis Jones, U.S. EPA;
  - Paul Leinster, Environment Agency (England & Wales);
  - Ladislav Miko, European Commission;
  - Kal Raustiala, UCLA Law School;
  - Antonio Oposa, Environmental Advocate, The Philippines;
  - Peter Sand, University of Munich;
  - Gus Speth, Yale School of Forestry & Environmental Studies;
  - Geoffrey Palmer, former Prime Minister & Environment Minister of New Zealand;
  - Tom Spencer, European Centre for Public Affairs;
  - Douglas Varchol, documentary film maker;
  - Pier Vellinga, Free University Amsterdam;
  - Gerard Wolters, VROM, The Netherlands;

- Oran Young, Bren School, University of California, Santa Barbara; and
- Durwood Zaelke, INECE Secretariat.

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INECE's success in 2005 was made possible because of your active participation and support. We would like to offer special thanks to our funders, especially the Netherlands Ministry of Housing, Spatial Planning and the Environment (VROM) and the United States Environmental Protection Agency, as well as the United Nations Environment Programme, the Environment Agency (England & Wales), the Organisation for Economic Co-operation and Development, the Smithsonian Institution, the World Bank Institute, Environment Canada, the European Commission, the Government of Morocco, the Ministry of the Environment Finland, and others. We also would like to thank our regional network partners, including the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), the Regulatory Environmental Programme Implementation Network (REPIN), the Environmental Compliance and Enforcement Network for Accession (ECENA), Australian Environmental Law Enforcement and Regulators Conference (AELERT), and the North American Commission for Environmental Cooperation (CEC).

Our challenge is clear. Throughout much of the world, environmental quality continues to deteriorate, and compliance rates are still too low for too many of our environmental laws.

Yet, working together, we can make a difference.

Working together, we can continue to raise awareness, strengthen capacity, and develop the networks needed to build effective compliance and enforcement systems, and provide the foundation for the rule of law, good governance, and, ultimately, sustainable development.

We look forward to working with you in 2006 in furtherance of your efforts to continue to improve environmental compliance and enforcement throughout the world.

On behalf of the EPC Co-Chairs, the EPC, and the Secretariat staff, we extend our best wishes for an exciting and productive New Year.

Respectfully,



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