

ENVIRONMENTAL COMPLIANCE & ENFORCEMENT WORKSHOP

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BREN SCHOOL OF ENVIRONMENTAL SCIENCE & MANAGEMENT
UNIVERSITY OF CALIFORNIA, SANTA BARBARA

20, 21, & 22 OCTOBER 2005
Bren Hall, UCSB

AGENDA

GOALS AND EXPECTED OUTCOMES:

The meeting has the following goals and expected outcomes:

1. Enhance collaboration among leading academics, government officials, and other practitioners on environmental compliance and enforcement;
2. Deepen understanding of the linkages among environmental compliance, rule of law, and good governance, and their contribution to sustainable development;
3. Explore best practices in research methodologies and exchange views on topics of mutual interest to practitioners and academics;
4. Explore ways to improve the empirical basis of research and practice through the effective use of compliance and enforcement indicators;
5. Explore issues of regulatory design in light of linkages between environmental compliance and economic competitiveness;
6. Explore the role of networks as a vehicle for strengthening collaboration among key actors to enhance environmental compliance and enforcement; and
7. Contribute to future agendas of work for INECE, including the INECE strategic plan, the IUCN-INECE-UNEP compliance and enforcement colloquium in 2006 and a future Vol. 3 of **Making Law Work**; as well as future agendas of work for the Program on Governance for Sustainable Development in the Bren School.

THURSDAY, 20 OCTOBER 2005

7:30 p.m./8:00p.m. *Pre-dinner rendezvous & dinner*
Beachside Restaurant, near to the campus (*Directions will be provided.*)

FRIDAY, 21 OCTOBER 2005

9:00 a.m. – 9:15 a.m. **Welcome:** Introduce Participants and Review Agenda

- Day Chair – *Oran Young, UCSB*

9:15 – 9:30 **Overview:** Present Vision for the Workshop, Agree Upon Workshop Goals, and Develop a Framework for Capturing Results

- Moderator – *Durwood Zaelke*

9:30 – 10:30 **Session 1: Overview of Theories, Research Methodologies, & Datasets**

Researchers will provide an overview of the basic theories of compliance they work with (*see* Chapter 2, **Making Law Work**), and discuss how they go about their research, including the selection of research topics, methods of analysis (*see* Background Memo “**Overview of Research Methodologies for Environmental Compliance and Enforcement**”), and sources of data available to support their work (*see* Background Memo “**Overview of Datasets for Environmental Compliance and Enforcement**”). Practitioners will be asked to contrast researchers’ methodologies with the activities of government regulators, practicing attorneys, and other environmental compliance practitioners. Examples of relevant research for consideration include “The Diagnostic Method” for issue identification (*see* Young, Oran, **Building Institutions for Socio-Ecological Systems: The Diagnostic Method** (Draft 5.0, 28 September 2005)) and an “International Regimes database” (*see* Breitmeier, Young, & Zurn, “Analyzing International Environmental Regimes: from Case Study to Database”, **Making Law Work**, at 201).

- Moderators – *Oran Young & Xinyuan Dai*

10:30 – 10:45 **Break**

10:45 – 12:15 **Session 2: Compliance: A Foundation for Rule of Law, Good Governance, & Sustainable Development**

Successfully responding to the complex and interrelated issues of sustainable development requires designing and implementing appropriate governance systems, built on the foundation of good governance, the rule of law, and compliance. Issues for exploration include designing a strategy to support this hypothesis with empirical

data and to promote its acceptance and integration into capacity building programs including initiatives to meet the Millennium Development Goals (e.g., US Millennium Challenge Account), The World Bank's new country strategy equivalency determinations, and other related efforts by donor organizations. (See Chapter 1, **Making Law Work**)

- Moderators – *Durwood Zaelke & Matthew Stilwell*

12:15 p.m. – 1:30 p.m. *Lunch on site*

1:30 – 3:00 **Session 3: Indicators to Improve the Effectiveness of Compliance and Enforcement Programs**

Environmental compliance and enforcement (ECE) indicators can be thought of as pieces of information that provide evidence on matters of broader concern. These indicators present information about ECE programs' operations and results, for the primary purpose of improving the effectiveness of such programs. Issues for exploration include (1) measuring the deterrent effect of enforcement activities; (2) using indicators in combination to identify ways to improve the effectiveness of compliance programs; (3) identifying efficiencies in the implementation of multiple international environmental agreements; and (4) finding feasible ways to establish and present meaningful compliance rates. (See Chapter 11, **Making Law Work and INECE Performance Measurement Guidance for Compliance and Enforcement Practitioners** (2005) at <http://inece.org/indicators/guidance.pdf>)

- Moderators – *Michael Stahl & Kenneth Markowitz*

3:00 – 3:30 *Break*

3:30 – 4:30 **Breakout 1:** Researchers will lead discussions with small groups of practitioners to identify research questions on specific topics:

- *Timothy Malloy* – Social Norms. (See Chapter 1, **Making Law Work** at 38-44; and Chapter 2, esp. Malloy at 132-36 and Vandenberg at 141-55. See also Chen, “**Disaggregate Theories and Firm Compliance Behavior**” (22 July 05))
- *Oran Young* – Diagnostic Method for Issue Identification. (See Young, “**Building Institutions for Socio-Ecological Systems: The Diagnostic Method**” (Draft 5.0, 28 September 2005))

- *Carl Bruch and Kenneth Markowitz* – Mechanisms to improve compliance and enforcement of MEAs through synergetic implementation.

4:30 – 5:00 **Report Out from Breakout 1**

- Moderator – *Romina Picolotti*

5:00 – 5:15 **Conclusion** – Day One Closing Remarks

- Day Chair – *Oran Young, UCSB*

5:15 - **Bren School Event** – You are invited to mingle and to meet other distinguished guests celebrating UCSB’s “Back to School Night” to be held in the Bren Hall Courtyard.

7:30 **Dinner** – Please join Durwood Zaelke for a beach house “cookout” in Montecito. (*Directions will be provided*)

SATURDAY, 22 OCTOBER 2005

9:00 a.m. – 9:10 a.m. **Welcome** – Review of Day 1, Discussion of Agenda for Day 2

- Day Chair – *Gerard Wolters, VROM*

9:10 – 10:30 **Session 4: Effective Networks**

At the same time there is a cry for more global rules, more enforcement, and a stronger rule of law, the world also fears centralized global government and wants to ensure continued local accountability of those who govern. One answer to this dilemma is the rise of transgovernmental networks such as INECE. Issues for discussion include: understanding context, building partnerships, and leveraging multidisciplinary teams. (*See Chapter 12, Making Law Work*)

- Moderators – *Kal Raustiala & Jo Gerardu*

10:30 – 11:00 **Break**

11:00 – 12:30 **Breakout 2:** Researchers will lead discussions with small groups of practitioners to identify research questions on specific topics:

- *Xinyuan Dai* - International institutions and sovereign behavior.

- *Kal Raustiala* – Transgovernmental networks. (See Chapter 12, **Making Law Work**)
- *Oran Young* - Usable knowledge.

12:30p.m. – 2:00p.m. *Lunch on site*

2:00 – 2:30 **Report Out from Breakout 2**

- Moderator – *Henk Ruessink*

2:30 – 4:30 **Recommendations for the Research Agenda**

Building upon the conceptual framework developed in the opening session to capture and order the numerous suggestions, participants will evaluate and recommend issues for research. This will assist INECE with its strategic planning process and also feed into the agenda for the October 2006 IUCN-INECE-UNEP Colloquium.

- Moderators – *Raphael Asenjo & Lee Paddock*

4:30 – 5:00 **Closing Remarks**

- Day Chair – *Gerard Wolters, VROM*

6:30 *Dinner* – No joint arrangements.