

STRENGTHENING ENVIRONMENTAL ENFORCEMENT AND COMPLIANCE THROUGH NETWORKS¹

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1. Introduction

As the international community evaluates the outcomes of the World Summit on Sustainable Development in Johannesburg, South Africa this past August, the need to strengthen environmental enforcement and compliance has emerged as a dominant theme. There is growing recognition that past environmental lawmaking has not sufficiently arrested environmental degradation, and that enforcement and compliance must become a priority in the coming decades. Building the capacity to carry out the needed enforcement and compliance will require global cooperation and the development of sustainable regional compliance and enforcement networks.

By setting specific targets and timetables for implementing the commitments made at the Rio Earth Summit in 1992, the Johannesburg **World Summit on Sustainable Development**⁵ dramatically 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.⁶ International Network for Environmental Compliance and Enforcement (INECE) is a global network that has been a pioneer in this field since its founding in 1989 by the Dutch and U.S. environmental agencies, with assistance from UNEP, the World Bank Institute, Organization for Economic Cooperation and Development (OECD), the European Commission, and others.

INECE held its Sixth International Conference on Environmental Compliance and Enforcement in San Jose, Costa Rica from April 15-19, 2002 (the "Conference") and featured a full program of panels, workshops and field visits for the participants from over 80 countries and organizations selected to attend this event. A key outcome of the Conference is INECE's reaffirmation and prioritization of its

commitment to strengthen and develop regional networks, with particular emphasis on Latin America, Africa and Asia. This article discusses the importance of regional compliance and enforcement networks and the relationship of those networks with INECE.

2. The importance of regional compliance and enforcement networks

This section discusses how strong regional networks are key to responding to the growing mandate to strengthen environmental compliance and enforcement. Strong regional networks offer a means to harmonize the gap between global and local interests and provide a forum to build the capacity necessary for effective systems and to clarify some of the misunderstandings associated with enforcement as further evidence evolves to support that compliance and enforcement has economic as well as social benefits.

a. Need for Better Compliance and Enforcement

Despite a growing body of environmental law at the national and international level developed in the thirty years since the Stockholm conference on the human environment, various measures of environmental quality show continuing degradation across a broad spectrum, with serious consequences for ecosystems and public health. Evidence points to the failure to invest in enforcement and compliance as a key reason for the continuing degradation of environmental quality. Lack of funding and lack of political will are often offered as explanations, based in part on the fear that improving enforcement and compliance will increase the cost to industry, harm their competitiveness at home and abroad, and deter foreign investment. Further evidence is accumulating that investing in enforcement and compliance

¹ For a full summary of the outcomes of the World Summit on Sustainable Development please refer to <http://inece.org/wssd.html>

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⁵ <http://johannesburgsummit.org>. The Johannesburg Summit, 26 August to 4 September, brought together more than 21,000 participants from 191 governments, international and non-governmental organizations, the private sector, and academia.

⁶ For a full summary of the outcomes of the World Summit on Sustainable Development please refer to <http://inece.org/wssd.html>

not only improves environmental quality and public health; it also improves the competitiveness of nations and firms. Improving enforcement and compliance enhances respect for the rule of law and strengthens the foundation for better environmental governance.

b. Mandate to Strengthen Enforcement and Compliance

The Rio Earth Summit in 1992 recognized the need to strengthen enforcement and compliance in AGENDA 21. Chapter 8.21 established an international mandate to build compliance and enforcement capacity as an essential element of environmental management.⁷ AGENDA 21 also empowered UNEP and other organizations to more actively support compliance and enforcement activities, including capacity building. UNEP responded with a number of initiatives, including the Programme For The Development And Periodic Review Of Environmental Law For The First Decade Of The 21st Century (Known As "Montivideo III"). The Final Montivideo III Programme, approved in 2001, is designed to increase the effectiveness of environmental law and stresses implementation, compliance and enforcement.⁸ UNEP also developed guidelines for enforcement and compliance addressing both the international and national level. The Governing Council approved the guidelines February 15, 2002 in Cartagena.⁹

Chapter I of UNEP's new enforcement guidelines addresses compliance with multilateral agreements.¹⁰ Emphasis is placed on international co-operation by the United Nations and other relevant international organizations as well as through multilateral and bilateral initiatives. Chapter II of UNEP's enforcement guidelines addresses national

enforcement and international co-operation in combating violations of laws implementing multilateral environmental agreements.¹¹

Responding to this mandate, INECE received a clear call to action at the San Jose Conference to urge the International Community, through the WSSD and other related meetings, to reaffirm the commitment to strengthening environmental enforcement and compliance as an essential part of sustainable development governance. The Co-chairs of the Conference requested the INECE Secretariat to identify other national, regional, and international institutions and meetings in which to raise awareness to these issues and requested all conference participants to promote the Conference Statement within the process of the World Summit on Sustainable Development, and subsequently, in their own national systems, with a view to strengthening and enhancing environmental enforcement and compliance at the national, regional, and international level.¹² The meetings being held in Buenos Areas the week of May 26, 2002 and hosted by FARN offer such an opportunity. A copy of the Conference Statement from San Jose is included as Appendix A.

c. The Benefits of Enforcement and Compliance

At the same time that pressure is building to strengthen enforcement and compliance, evidence is accumulating that the cost of complying with environmental laws is, in most cases at least, outweighed by the benefits, including improvements in public health and critical ecosystem services such as flood control and water purification. This important information needs to be more widely understood to

⁷ 8.21. Each country should develop integrated strategies to maximize compliance with its laws and regulations relating to sustainable development. The strategies could include:

- Enforceable, effective laws, regulations and standards based on sound economic, social and environmental principles and appropriate risk assessment, incorporating sanctions designed to punish violations, obtain redress, and deter future violations;
- Mechanisms for promoting compliance;
- Institutional capacity for collecting compliance data, regularly reviewing compliance, detecting violations, establishing enforcement priorities, undertaking effective enforcement, and conducting periodic evaluations of the effectiveness of compliance and enforcement programs;
- Mechanisms for appropriate involvement of individuals and groups in the development and enforcement of laws and regulations on environment and development; and
- Develop effective national programmes for reviewing and enforcing compliance with national, state, provincial and local laws on environment and development.

⁸ Decision 21/23, United Nations Environment Program Governing Council (February 9, 2001) available at http://www.unep.org/gc_21st/.

⁹ United Nations Environment Program Governing Council (February 15, 2002) available at http://www.unep.org/governingbodies/gc/specialsessions/gcss_vii/. See also Ministerial Communiqué, Meeting of Environment Ministers of the Americas, Montreal, Canada (March 29-30, 2001) available at http://www.ec.gc.ca/international/ema/index_e.htm (stressing "the importance of building national capacity to develop and strengthen environmental laws and institutions and for environmental law implementation, compliance and enforcement....").

¹⁰ Its 29 paragraphs spell out the purpose, scope and definitions of the terms used in this part of the text, as well as other issues considered necessary for enhancing compliance: preparatory work for negotiations, effective participation in negotiations, assessment of domestic capabilities during negotiations, compliance considerations in multilateral environmental agreements, review of effectiveness, compliance mechanisms after a multilateral environmental agreement comes into effect and dispute settlements provisions. Other issues covered in this chapter are national implementation, including national measures, capacity building and technology transfer.

¹¹ Its 15 paragraphs spell out the purpose, scope and definitions of the terms used in this part of the text, as well as national enforcement of laws and regulations, institutional framework, national coordination, training for enhancing enforcement capabilities and public environmental awareness and education. Emphasis is placed on international co-operation and coordination, bearing in mind the need for consistency in laws and regulations, co-operation in judicial proceedings, institutional framework and capacity building and strengthening.

¹² For the full text of the conference statement, please visit <http://inece.org/conf/finalconfstatement.html>

counter the fear felt by countries and firms that environmental enforcement will mean higher costs and lower competitiveness.

The European Commission just released a report that shows that the cost to the group of 13 accession countries of complying with the EC's environmental "acquis communautaire", while considerable, would be equal to or less than the direct benefits, even using the low end of the benefit estimates, and even without including several key environmental benefits.¹³ Further evidence is provided in the Global Competitiveness Report 2001-2002, where Dan Esty from Yale Law School and Michael Porter from the Harvard Business School report "The research reveals that there is no evidence that higher environmental quality compromises economic progress. Environmental performance is positively and highly correlated to GDP per capita. The ... preliminary evidence suggest[s] that countries with stricter environmental regulations than would be expected at their level of GDP per capita enjoy faster economic growth."¹⁴

Another critical fact, which is even less appreciated, is that environmental compliance is cost effective at the level of the firm as well. "Superior environmental performance will be rewarded in the long run in most industries and in national development.... Both theory and an emerging body of empirical evidence on the topic show that under most circumstances, improved environmental performance should

improve a number of aspects of firm competitiveness, especially in developing countries," according to Lawrence Pratt in a paper prepared for the Inter-American Development Bank.¹⁵ Pratt also supports this conclusion with research from an earlier Global Competitiveness Report discussing what business leaders around the world believe:

Firms in many of the most competitive countries in the world believe their environmental standards are slightly to moderately profit enhancing. Highly competitive countries tend to have the most transparent and stable regulations. These characteristics ensure fair and even enforcement and allow for longer planning horizons for firms. Most business leaders believe that environmental regulations have played an important role in improving energy, water and materials use efficiency. In more than half of the 59 countries surveyed, business leaders thought that 'environmentally friendly products' enjoy a slight to strong market advantage over conventional products. Interestingly for the [Latin America] region, these advantages were found primarily in countries that are current, and likely future, export clients of the region's agricultural and tourism products.¹⁶

It is important to level the playing field, and while doing so to consider not only sanctioning bad actors, but also providing compliance assistance, including efforts to educate companies and the public to make it socially unacceptable to pollute or otherwise to violate environmental laws.¹⁷ As

¹³ *The Benefits of Compliance with the Environmental Acquis for Candidate Countries* (ECOTEC, et al. 2001), available at <http://europa.eu.int/comm/environment/enlarg/benefit.htm>. The environmental *acquis* comprises 300 Directives and Regulations, a core group of which must be satisfied before candidate countries are admitted. See also *Administrative Capacity for Implementation and Enforcement of EU Environmental Policy in the 13 Candidate Countries*, Draft Final Report (ECOTEC 2000), available at http://europa.eu.int/comm/environment/enlarg/administrative_capacity.htm. As the Commission's report states:

[M]any benefits of EU directives have not been fully covered when assessing the monetary values. This includes the protection of sensitive ecosystems and bio-diversity. Some environmental investments might also lead to benefits not directly related to the environment. They can improve economic efficiency and boost productivity, for example by facilitating the take-up of modern technology, by lowering production and maintenance costs for companies through better water quality and by providing savings in the form of more efficient waste management.... [Even omitting such important benefits, using the lower end of benefit assessment, and considering only] narrow monetary terms, *the assessed benefits are likely to be of the same order of magnitude if not larger than the costs of implementing EU directives.* (Emphasis in original.)

¹⁴ Esty & Porter, "Measuring National Environmental Regulation and Performance", in Porter, Sach & McArthur, eds., *The Global Competitiveness Report 2001-2002* (Oxford University Press 2001).

¹⁵ Lawrence Pratt, *Rethinking the Private Sector-Environment Relationship in Latin America*, Background Paper for the Seminar on the "New Vision for Sustainability: Private Sector and the Environment" IDB/IIC Annual Meeting of the Board of Governors New Orleans, Louisiana (March 25, 2000), available at http://www.iadb.org/mif/pdf_files/Pratt-eng.pdf. (Mr. Pratt is the Associate Director, Latin American Center for Competitiveness and Sustainable Development (CLACDS) Central American Institute of Business Administration (INCAE) Alajuela, Costa Rica ("IDB Paper"). Pratt relies on the seminal work performed by Professor Porter, and other studies by Professor Stuart Hart at the University of North Carolina business school, noting "recent empirical research on environmental performance and capital markets shows that the most successful and valuable multinational firms are those that adhere to the highest environmental standards." Pratt, IDB Paper, citing Dowell, Hart, & Yeung, "Do Corporate Global Environmental Standards Create or Destroy Market Value?," *Management Science* 2000, Vol. 46: pp 1059-74. Hart and his colleagues report that their research "refutes the idea that adoption of [stricter] global environmental standards by multinational enterprises constitutes a liability that depresses market value. On the contrary, the evidence from our analysis indicates that positive market valuation is associated with the adoption of a single stringent environmental standard around the world."¹⁶ Hart and his colleagues studied a sample of 89 companies from the Standard & Poor 500 in the manufacturing or extractive sectors based in the United States, but with facilities in countries that could be pollution havens. The firms that followed their own strict environmental standards in their foreign operations had a significantly higher market value than firms using less stringent standards. The study notes that developing countries that use lax environmental standards to attract foreign investment may end up with less competitive firms in the long run.

¹⁶ Pratt also reports the observation of Niall FitzGerald, Chairman of Unilever PLC, concerning environmental protection, trade, and investment in Central America:

"One of the myths is that environmental standards are seen as an obstacle to competitiveness and to investment. Practical experience and academic research overwhelmingly now show quite the opposite. Multinational companies expect to operate to high environmental standards. Environmental protection is not a barrier to investment, particularly when the standards are evenly enforced. It can become a barrier if a multinational has its own high standards, and it finds that it is operating in an environment where lower standards are accepted and the playing field is not even."

¹⁷ Nancy Newkirk, *An Industry Perspective*, in *Indicators of Effective Environmental Enforcement: Proceedings of a North American Dialogue* (Commission for Environmental Cooperation 1999), at 20.

recognized by FARN in communications with the INECE Secretariat, developing a set of indicators to track environmental compliance and enforcement activities would provide critical information for strengthening this case, and for better understanding the benefits and costs for specific industry sectors, in countries with different levels of economic and institutional development.

d. Strategy to Develop Regional Compliance And Enforcement Networks

Regional Environmental Compliance and Enforcement Networks present a critical mechanism for INECE to respond to the growing mandate to strengthen environmental compliance and enforcement. INECE reaffirmed its commitment to strengthening regional networks in the Conference Statement from the Sixth INECE Conference in San Jose and during the Regional Workshops held during the Conference. Further support was demonstrated by participants through their review of the draft elements of the INECE Strategic Plan.

At the Conference, INECE focused particular attention on parts of the world where such effective networks do not yet exist, including South America, Central America, Africa, and Asia. These new networks will benefit from the experience of current INECE partner networks such as the European Network for Implementation and Enforcement of Environmental Law (IMPEL) and AC-IMPEL, comprised of candidate countries to the European Union, New Independent States Environmental Compliance and Enforcement Network (NIS-ECEN), the BERCEN network, comprised of Balkan countries, and the North American Working Group on Environmental Enforcement and Compliance Cooperation of the Commission for Environmental Cooperation.

To expedite the process of creating regional networks in South America, Central America, Asia and Africa, the INECE Secretariat is seeking funding to assist with the strategic planning process. The Secretariat will work with regional teams to build networks and scope in detail priority projects. The regional teams will: identify existing relevant networks to engage, critical environmental challenges, and specific project needs; explore enforcement indicators and assessment methodology; and identify ways to utilize technology and the Web.

The studies will focus on a vision toward future sustainability of effective regional compliance and enforcement networks. INECE will work with regional leaders to define specific actions and opportunities to work with INECE and build upon the results from the Regional Workshops at the Conference, where key enforcement leaders from the region had the opportunity to discuss critical issues and make recommendations for the regional elements for inclusion in INECE's Strategic Implementation Plan. In San Jose, recommendations were made regarding regional elements of

the INECE workplan that included: identification of relevant sub-regions; identification of existing enforcement networks within the regions to engage and partner with; initial substantive focus; and strategies for moving forward to develop sustainable compliance and enforcement networks in these regions.

Based on the results of the Conference and regional meetings, such as the one being held in Buenos Aires in May 2002, the teams will work with the Secretariat to detail blueprints for the future projects and networking opportunities.

e. Environmental Compliance and Enforcement Indicators

INECE announced at the Summit that it was launching the INECE Enforcement Indicator Project to develop a set of indicators to measure and manage enforcement and compliance efforts. In addition to assisting countries in managing their enforcement resources for improved performance; INECE contemplates using the indicators to identify opportunities to expand its training and capacity building program. The indicator project will identify a set of principles to guide its effort, including transparency—of goals, assumptions, and process; participation; and comparability, scaled according to different levels of economic development. The project also will articulate a model, or framework, such as the pressure-state-response model, to help guide the selection of appropriate indicators. Case studies of current efforts on enforcement indicators also will be prepared, covering the efforts of the NAFTA Commission for Environmental Cooperation, the EC's efforts on accession countries, the OECD environmental reviews, the World Resources Institute efforts on access to justice and their Global Forest Watch network, among others. A key goal of evaluating enforcement and compliance programs is to understand the capability of programs to implement and achieve compliance with national, regional, and global environmental requirements, and to assess the financial, technological, and human resources needed to ensure that the programs are sufficient for this critical task.¹⁸

In discussions with FARN and other INECE participants regarding key elements of the regional network and its relationship with INECE, INECE agrees that enforcement indicators must be developed in order to build capacity to evaluate environmental enforcement systems, and to better enforce environmental law. Once indicators are developed, they will be applied to properly build an environmental enforcement capacity inventory in the region.

f. Coordinated Web Strategy <http://inece.org>

The Web is central to INECE's efforts to establish national, regional and international networks, promote their cooperation, build capacity around the world, link the society

¹⁸ For more information on the INECE Enforcement Indicator Project, please visit INECE Indicators Forum at <http://inece.org/forumsindicators.html>

of environmental practitioners, and raise awareness of the importance of enforcement and compliance. INECE is developing new web-based strategies, working with Earthpace and the Environmental Law Information System (ELIS), a partnership among CIEL, the NASA, the Library of Congress, and the University of Maryland.

Further, the Web will play a critical role in the implementation strategy and will be designed to facilitate communication and the dissemination of information on environmental enforcement and compliance as well as the program's outcomes. INECE plan to develop web resources on compliance and enforcement for South America. To best accomplish this, INECE seeks the input from users in the community and suggested content for inclusion or linkages. INECE encourages further information sharing of compliance and enforcement news regarding enforcement actions, training opportunities and innovative strategies.

3. Designing INECE Enforcement and Compliance Activities to Meet regional needs

INECE is a network of enforcement practitioners dedicated to raising the awareness of the issue; assisting with capacity building; and facilitating enforcement cooperation through interlocking networks at the national, regional, and global level. Enforcement practitioners who participate in the network come from 130 countries, principally from governments, but also from NGOs and academia. Key partners include the Ministry of Housing, Urban Development and Spatial Planning, The Netherlands (VROM), the United States Environmental Protection Agency (USEPA), the European Commission, UNEP, World Bank Institute, European Commission, and OECD. Its goals are to:

- ▲ Developing networks for enforcement cooperation;
- ▲ Strengthening capacity for compliance and enforcement; and
- ▲ Raising awareness of the importance of environmental compliance and enforcement.

INECE recently adopted a three year Strategic Implementation Plan. At the Conference, the Secretariat solicited and received significant feedback on a list of proposed projects for inclusion in the INECE Strategic Plan. These projects include a significant component on building and strengthening regional compliance and enforcement networks. INECE will continue to build upon the experience of its members to carry out its mission in a manner that supports and benefits from strong regional networks.

4. Conclusion

The growth in environmental law over the past three decades has not been followed with sufficient effort to ensure enforcement and compliance. The result of this enforcement deficit is continuing and unacceptable deterioration of environmental quality and public health. Renewed focus on

these issues at the WSSD has increased the demand for the service that INECE provides, including capacity building and training, enforcement cooperation, and analytical work. One critical way that INECE is working to meet these challenges through effective sustainable regional compliance and enforcement networks.

Appendix A

Co-Chair Final Conference Statement

Sixth International Conference on Environmental Compliance and Enforcement

San Jose, Costa Rica, April 19, 2002

Introduction

1. As the international community prepares to meet in Johannesburg for the World Summit on Sustainable Development from 26 August to 4 September 2002, the need to strengthen environmental enforcement and compliance continues to be a dominant theme. There is a growing recognition that past environmental lawmaking has not sufficiently arrested environmental degradation and that enforcement and compliance must become a priority in the coming decades. Building the capacity to carry out the needed enforcement and compliance initiatives requires global cooperation.
2. One key actor in this effort will be the International Network for Environmental Compliance and Enforcement (INECE), a global network of practitioners that has done pioneering work in this field since its founding in 1990 by the environmental agencies in the Netherlands and the United States, in partnership with UNEP, the European Commission, the World Bank, OECD and others. The INECE Co-Chairs are Gerard Wolters, Inspector General, the Ministry Inspectorate of Housing, Spatial Planning, and the Environment, The Netherlands, Sylvia Lowrance, Acting Assistant Administrator for Enforcement and Compliance Assurance, U.S. Environmental Protection Agency; and Charles Sebukeera, Director, Department of Environmental Monitoring & Compliance, National Environmental Management Authority, Uganda.
3. The Sixth INECE Conference was held in San Jose, Costa Rica from April 15-19, 2002 and featured a full program of panels, workshops and field visits for the participants selected to attend this event. Mr. Wolters, Ms. Lowrance, and Mr. Sebukeera served as the Co-Chairs of the Conference, and issued this Conference Statement affirming the critical role environmental compliance and enforcement must play in achieving the rule of law, good governance, and sustainable development.
4. The conference participants acknowledge the assistance and support of the Costa Rican government and express their deep gratitude for the generous hospitality provided,

including the cultural event at Pueblo Antiguo, and the field visits to explore and appreciate the natural environment and its management for which the country is so justly renowned.

5. The conference participants also acknowledge the assistance and support of the organizations providing financial and other assistance for the Conference, including the Ministry of Housing, Spatial Planning & the Environment in The Netherlands, the U.S. Environmental Protection Agency, the European Commission, the World Bank, the NAFTA Commission for Environmental Cooperation, Environment Canada, and the International Fund for Animal Welfare, as well as the embassies of the United States and The Netherlands.
6. The conference participants also thank the governments, agencies, international organizations, and non-governmental organizations that have, since the Rio Earth Summit, supported enforcement and compliance efforts, and express the hope that they, as well as others in a position to do so, will continue to support the implementation of measures aimed at enhancing and strengthening enforcement and compliance of environmental laws at the national, regional, and international levels.

The Enforcement Gap

7. Despite a growing body of environmental law at the national and international level – more than 300 international and regional agreements have been developed in the thirty years since the 1972 Stockholm conference – measures of environmental quality show continuing degradation across a broad spectrum, with serious consequences for ecosystems and public health, as well as the rule of law and good governance. A telling example is the substantial mortality from lack of clean water, lack of clean air, and other forms of industrial pollution.
8. While poverty is a major cause and consequence of environmental degradation and calls for urgent remedial action, the failure to invest in the strengthening of enforcement and compliance programs is a key reason for the continuing degradation of environmental quality.
9. The Capacity Development Initiative of UNDP and the Global Environmental Facility concludes that there is a need to strengthen domestic capacity to enforce laws and policies to implement global environmental conventions. The enforcement gap is pointedly illustrated by the Convention of International Trade in Endangered Species (CITES): of the 154 parties, 76 are believed generally not to meet one or more of the requirements for implementing CITES. Without stronger enforcement and compliance, CITES cannot succeed in protecting endangered species, nor can the other conventions. This situation is repeated in other agreements at the international, regional, and national level, and is unacceptable if we hope to leave a positive environmental legacy for future generations.

Mandate to Strengthen Enforcement

10. The need to address the enforcement gap was recognized at the Rio Earth Summit in Agenda 21, Chapter 8, which specifically directs that States develop their compliance and enforcement capacity; in the European Commission's effort with the current twelve accession countries and in the recent 6th Community Environmental Action Program; in the Ministerial Communiqué from the Meeting of Environment Ministers of the Americas, held in Montreal, Canada March 29-30, 2001; in UNEP's final MONTEVIDEO III PROGRAMME, adopted in February 2001; in UNEP's Guidelines for Compliance and Enforcement, adopted February 15, 2002 in Cartagena, Columbia; and in the G-8 MINISTERS STATEMENT ON ENVIRONMENTAL ENFORCEMENT, INTERNATIONAL COOPERATION, AND PUBLIC ACCESS TO INFORMATION, issued in 1997 in Miami, U.S.A.
11. Most recently the preparatory discussions for the upcoming World Summit on Sustainable Development recognize the important role of enforcement and compliance in sustainable development governance and cite the need to "promote the establishment or strengthening of existing authorities and mechanisms necessary for policy-making, coordination and enforcement" and "develop and maintain effective legal systems, including strong and clear laws related to compliance, monitoring, enforcement, and for citizen participation."

Benefits of Enforcement

12. Protection and maintenance of our life-sustaining natural ecosystems is the fundamental benefit realized from addressing the enforcement gap. These benefits generally outweigh costs, especially when the ecosystem benefits are considered along with the resulting benefits to public health, enhanced respect for the rule of law, improvements in governance, and improvements in the competitiveness of countries and firms, as well as new jobs and assistance in combating unemployment.¹

Expanding Role for INECE

13. The growing emphasis on enforcement and compliance is expected to increase the demand for a more active involvement of INECE and the enforcement practitioners who participate in the network from 130 countries. These practitioners come principally from governments, but also from NGOs and academia.
14. The INECE mission is to strengthen enforcement and compliance at the national, regional and international levels, thereby contributing to the strengthening of the rule of law and good governance. INECE is the only global environmental network exclusively dedicated to this critical mission. Its goals are to:
 - a. Strengthen institutional capacity, *inter alia*, by exchanging experience and developing best practices,

- b. Develop effective interlocking networks at the national, regional and international levels, and
- c. Raise awareness of the importance of environmental enforcement and compliance.
15. The accomplishments of INECE include the landmark INECE PRINCIPLES OF ENVIRONMENTAL ENFORCEMENT issued in 1992 to "help individuals responsible for environmental protection in different countries, regions and localities design and implement compliance strategies and enforcement programs." Other accomplishments include the conference proceedings from the six INECE international conferences, training materials, the INECE Web site and the INECE Newsletter.
16. These accomplishments are mirrored in the efforts of regional enforcement and compliance networks, most notably the work of the European Network for the Implementation and Enforcement of Environmental Law (IMPEL), the AC-IMPEL, comprised of candidate countries to the European Union, New Independent States Environmental Compliance and Enforcement Network (NIS-ECEN), the BERCEN network, comprised of Balkan countries, and the North American Working Group on Environmental Enforcement and Compliance Cooperation of the Commission for Environmental Cooperation.
17. Continuous efforts are required to be undertaken by all countries and relevant organizations and operational agencies, including local governmental agencies and non-governmental organizations, concerned with ensuring the effective implementation and enforcement of national, regional, and international environmental law. INECE will play a vital role in these efforts.
18. The Internet is an important and valuable part of INECE's efforts to establish national, regional and international networks, promote their cooperation, build capacity around the world, link the society of environmental practitioners, and raise awareness of the importance of enforcement and compliance.
- organizations, as well as NGOs and academic institutions, with a view to pooling their respective comparative advantages, avoiding duplication and optimizing the use of available resources;
- d. *Reaffirm* INECE's commitment to strengthen and develop regional networks, especially in Africa, Latin America and Asia;
- e. *Recognize* the important role non-governmental organizations can play in enforcement and compliance, as independent actors and as adjuncts to government enforcement and compliance efforts;
- f. *Call* upon INECE to develop uniform minimum criteria and pilot test INECE Environmental Compliance and Enforcement Indicators, in cooperation with regional networks, with a view to improving performance, public policy decisions, and environmental governance globally, as well as the quality of the environment;
- g. *Note* that, INECE, in partnership with UNEP, is planning a Global Judicial Symposium in conjunction with the forthcoming World Summit for Sustainable Development, with the view to promoting networking initiatives and international cooperation amongst members of the judiciary in order to more fully integrate national environmental governance and sustainability principles into the judicial process;
- h. *Commit* INECE to build upon its accomplishments, including its conferences, newsletters and Web site, and to develop new products and services, including new ways to disseminate information through continuing expansion of the INECE Web site and other appropriate means;
- i. *Draw the attention* of the World Summit on Sustainable Development to INECE's accomplishments and its future efforts, noting in particular the contribution that INECE Enforcement Indicators can make to the need for the International Community to measure progress under Agenda 21, including at future summits, and request cooperation with INECE in accomplishing these critical goals; and

Call to Action

19. Therefore, the Co-Chairs of the Sixth International Conference of the International Network for Environmental Compliance and Enforcement:
- a. *Urge* the International Community, through the World Summit on Sustainable Development and other related meetings, to reaffirm the commitment to strengthening environmental enforcement and compliance as an essential part of sustainable development governance;
- b. *Appeal* to developed countries to provide necessary resources and technical assistance, on request, to developing countries to strengthen their enforcement capacity and performance;
- c. *Encourage* INECE to continue expanding its training and capacity building initiatives, and to strengthen its partnerships with international, regional, and national
- j. *Request* the INECE Secretariat to forward this Conference Statement to the World Summit on Sustainable Development, as well as to other relevant national, regional, and international institutions and meetings; and
- k. *Also request* conference participants to promote the Conference Statement within the process of the World Summit on Sustainable Development, and subsequently, in their own national systems, with a view to strengthening and enhancing environmental enforcement and compliance at the national, regional, and international level.

April 19, 2002, San Jose, Costa Rica.