
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.

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 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

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

¹ The Benefits of Compliance with the Environmental Acquis for Candidate Countries (2001); Esty & Porter, Measuring National Environmental Regulation and Performance, in THE GLOBAL COMPETITIVENESS REPORT 2001-2002 (Oxford 2001); Pratt, Rethinking the Private Sector-Environment Relationship in Latin America, Inter-American Development Bank Annual Meeting (March 25, 2000); and Dowell, Hart & Yeung, Do Corporate Global Environmental Standards Create or Destroy Market Value?, 46 MANAGEMENT SCIENCE 2000.