
SUMMARY OF WORKSHOP: PROMOTING VOLUNTARY COMPLIANCE

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GOALS

The session addressed the following questions:

- Does voluntary compliance exist?
- What is the relation between voluntary compliance and the existing environmental laws?
- What different types of voluntary compliance can be distinguished?
- Are environmental management systems and ISO-certification helpful for voluntary compliance?

1 INTRODUCTION

There is much interest in voluntary compliance programs. The term “voluntary” is in most cases incorrect. During the session there was an interesting discussion about the definition of voluntary compliance and the different types in all the participated countries.

2 DISCUSSION SUMMARY

Voluntary compliance does not really exist. There is always a “stick” that brings the company to a way of compliance. You can define different types of sticks:

- the existing environmental laws, regulations and standards;
- the behavior of other companies in the same market;
- the risk of bad publicity;
- the need to enter in a new market;
- the possibility of reducing costs.

Some of these items may seem voluntary, but in reality it always more or less enforced voluntary. In most of the cases, it is better to speak of “motivated compliance”.

Sometimes companies go beyond

the limits of the environmental laws. That is a voluntary process. But mostly there are strong economic incentives (image, publicity).

A certain kind of voluntary process does exist in the case of agreements between the government and certain types of industries to reduce environmental pollution or to reduce the use of natural resources without existing environmental regulations. Such an agreement always contains an evaluation moment, which means that in case of lack of results the government will as yet come with new regulations.

The discussion made clear that there is no “voluntary” compliance without regulations requirements with which all must comply.

During the discussion, some participants made the point that in many (mostly developing) countries the environmental framework already does exist but still is very weak. There is not enough enforcement capacity. And many companies do not have the right information about the environmental regulations and what they have to do. In that case the government can stimulate “voluntary” compliance by information and assistance programs. Public-awareness and the public-pressure also

can be stimulated by such an information program. Public pressure is important for “voluntary” compliance and can be used in a case that lacks enforcement capacity.

Environmental management systems (EMS) and ISO-certification can help in compliance programs. Also, other types of certification (blue flag, eco-tourism, CST, etc.) can be helpful. They are mostly based on economic incentives. But all these systems cannot take the place of environmental regulation and enforcement by the government. Therefore, it is necessary that each type of certification needs its own transparent system of auditing, correction and enforcement.

Some participants made the point that there is a difference between large and small/medium companies. The last group does have more problems to comply with the regulations (costs, information, knowledge). Also the enforcement is sometimes very difficult (many small companies all over the country). Special programs to stimulate “voluntary” compliance can be more effective (e.g. in Austria the ECO-profit program)

3 CONCLUSION

- In most cases the term voluntary compliance is misleading. We can better use the term “motivated compliance”.
- There are several forms of motivation. The most important are the existing environmental laws, regulations and standards and the bellowing governmental enforcement. Other forms are economic incentives such as good publicity, the behavior of concurrent-companies and the possibility of reducing costs.
- In many countries there is a lack on enforcement capacity. In that case the government can stimulate “voluntary” compliance programs (information, assistance, built up public awareness and public pressure).
- Environmental management systems, ISO-certification and other types of certification can be very helpful in compliance programs. But all these systems do not throw away the need of a good enforcement.