

Nobel Peace Laureate Tells Top Enforcement Specialists:

It's Time to Toughen Enforcement and Compliance with Climate Change Treaty, Other Environmental Laws

Cape Town, South Africa, April 2008. Nobel Peace Prize winner Wangari Maathai urged the world's top environmental law enforcement specialists to toughen enforcement and compliance with environmental laws, including those that address climate emissions and protect the world's forests, which absorb and store carbon dioxide, the principle greenhouse gas responsible for warming the planet.



Wangari Maathai, Nobel Peace Prize laureate and founder of the Greenbelt Movement

Professor Maathai issued her [call to action](#) at the 8th International Conference on Environmental Compliance & Enforcement in Cape Town, South Africa, organized by the International Network for Environmental Compliance and Enforcement, known as INECE.¹ More than 200 enforcement specialists from 60 countries gathered to share successful approaches from around the world, and to strengthen strategies that ensure all public and private actors are complying with environmental law. Climate change topped the agenda.



Marthinus van Schalkwyk, South Africa's Minister of Environment

South Africa's environment minister, Marthinus van Schalkwyk opened the Conference, stating that, "A global commitment to compliance and enforcement will be crucial for successful implementation of international agreements on combating climate change." He added, "Without enforcement and compliance, environmental legislation is worth no more than the paper on which it's written."

Argentina's environment minister, Romina Picolotti, a speaker on the climate change panel, stated that, "When we protect our forests we protect our climate, and we protect our biodiversity, our wildlife, and our local communities who depend upon the forests." Minister Picolotti recently spear-headed a tough forestry protection law to attack uncontrolled logging in some of Argentina's last remaining forests, and has earned a reputation as a tough enforcement crusader against industrial polluters.

Professor Maathai's organization, the Greenbelt Movement, is dedicated to protecting and expanding the forests of the world.² She urged the specialists "to ensure compliance with laws that

¹ INECE is the only global network that develops, promotes, and implements practical activities to strengthen environmental compliance and enforcement at all levels of governance – local, national, regional, and international. The network links environmental compliance and enforcement efforts of more than 4,000 practitioners – inspectors, prosecutors, regulators, parliamentarians, judges, and representatives from international and non-governmental organizations and the private sector -- from 120 countries, through capacity building, awareness raising, and enforcement cooperation.

² Professor Maathai is the founder of the Kenya-based Greenbelt Movement (GBM) that plants and protects trees. The GBM and its collaborators have planted more than 30 million trees around the world since 1977.

protect and expand the forests of the world” because “nearly 20% of our climate emissions are from cutting forests faster than we re-plant them. If we can manage our forests in a sustainable way, we will make a major contribution to climate mitigation and adaptation.”

“To make this happen,” said Professor Maathai, “we need to include forests in the next climate treaty, so those who protect and expand them receive climate credits. We also need to make sure that the laws and contracts that protect our forests are fully complied with.”

Professor Maathai told the enforcement specialists, “The rule of law does not exist without compliance. And without the rule of law, there will not be good governance, or the possibility that we will be able to achieve sustainable development. When we do our job to secure compliance with environmental laws and with the laws of sustainable development, we are helping strengthen the rule of law, and helping strengthen good governance.”

Minister Picolotti stated, "Developing countries and vulnerable communities suffer most from the world's climate change problems. All countries have laws they can use today to help slow climate change, including human rights laws that protect vulnerable groups." She added, "We must strengthen our capacity to enforce these laws as a global priority, and we must do this in a way that helps developing countries swiftly advance along the paths they have chosen to achieve sustainable development."



Romina Picolotti,
Argentina's Minister of
Environment



Durwood Zaelke,
Director of INECE

“Climate change is a fast-moving problem, and we need a fast-moving response from the enforcement and compliance community to slow it down,” said Durwood Zaelke, Director of INECE.

Zaelke identified three priority targets for climate change enforcement. “Reducing black carbon, or soot, is the fastest way to slow climate change, and this needs to be a top priority.” He added that “two other fast-action targets we need to address are protecting forests, and preventing emissions of chemicals that harm the ozone layer, because these chemicals are also powerful greenhouse gasses.”

One notable achievement of the 8th INECE Conference was the launch of a Sub-Saharan network for environmental compliance and enforcement.

"Compliance is the key to making environmental laws effective, not only in Africa, but on a global scale," said Catherine McCabe, Deputy Assistant Administrator of the Office of Enforcement and Compliance Assurance at the U.S. Environmental Protection Agency, and Co-Chair of the INECE Executive Planning Committee. "INECE's role in facilitating the start-up of this regional network illustrates one of the central purposes of INECE--to support the development of new networks to tackle region-specific problems with environmental compliance and enforcement."

“Sustainable development and environmental governance is an African responsibility, and this recognition was the motivation for creating the Sub-Saharan African Network, to promote environmental compliance and enforcement in partnership with INECE,” said Desire

Rubadiri, an environmental lawyer from Botswana, who played a role forming the network. “Our network will give teeth to environmental governance in Africa.”



Desire Rubadiri (left), during a break at the Conference

Regional network members will be able to register online through the INECE website. Key documents such as training materials, policies, legislation, information on technology, inspection report formats, and case studies will be available to help network members strengthen environmental governance in Sub-Saharan Africa, to address such issues as illegal transport and disposal of hazardous waste and illegal wildlife trade. As Minister van Schalkwyk remarked, “this kind of criminal activity cannot be countered without comprehensive and committed international cooperation and information-sharing.”

Information-sharing through the INECE network is key to enhancing international cooperation among enforcement agencies, particularly with regard to the illegal wildlife trade. As noted by INECE Executive Planning Committee member Bill Clark from the Israel Park and Nature Authority, “Wildlife populations are being depleted and exterminated at an increasingly alarming rate. We need to intensify enforcement efforts.



Bill Clark, Israel Park and Nature Authority

Industrialized countries—the primary market for the illegal trade—must share law enforcement resources with developing countries—the primary source of the wildlife—because it is the industrialized countries that provide the financial incentives for nearly all of the large scale wildlife crime.”

Throughout the week INECE delegates exchanged information and ideas during panels and workshops on hazardous waste, port security, water governance, wildlife, biodiversity, and corruption, among others. “The INECE conference is the place serious enforcement specialists share our experiences and our passions, and strengthen our resolve to restore the environmental sanity of the world,” said Tony Oposa, an inspiring environmental litigator and strategist who spoke at the Cape Town conference. Oposa was featured in a recent BBC World film describing his efforts to stop dynamite fishing in The Philippines. The BBC film, “Blast”, describes the successful enforcement efforts, as well as the tragic assassination of Oposa’s colleague, Elpidio “Jojo” De la Victoria, and the death threats Oposa and his family received.



Tony Oposa, President of the Law of Nature Foundation

“At the INECE conference, one story about a successful enforcement action can inspire a hundred more actions when we all go back home,” said Gustavo Alanis-Ortega, President of the Mexican Environmental Law Center, who shared his own stories of successful enforcement with the 200 other specialists. Alanis-Ortega praised INECE’s efforts to strengthen the role of the judicial branch and to expand public participation in enforcement and compliance. He added that, “To make real progress toward sustainable development, we must improve the environmental accountability of public officials, and we must address corruption throughout the environmental regulatory cycle.”

The 8th INECE Conference culminated in the release of the [Cape Town Conference Statement](#) prepared by the INECE Co-Chairs, covering a range of global commitments including: strengthening global communication on the importance of environmental compliance; strengthening networking on environmental compliance and enforcement in Sub-Saharan Africa; strengthening judicial capacity to adjudicate environmental disputes; systematically measuring performance on environmental compliance and enforcement; enhancing capacity of detecting violations; and focusing specifically on enforcement and compliance related to climate change.

Zaelke emphasized INECE’s plans “to follow through with recommendations from Conference participants, starting with the efforts described in the Conference Statement.” Ken Markowitz, a key conference organizer, added, “The INECE network has its marching orders, and we’re ready and eager to keep moving forward to make the world’s environmental laws do their job. Part of this is ensuring transparency and accountability for all climate protection laws, including those that provide the platform for emissions trading markets.”



Ken Markowitz (left) and Kunihiko Shimada (right) during the climate change panel

Gerard Wolters, the Dutch Inspector General for International Enforcement Cooperation, concluded the Conference, noting, “Environmental protection is nothing less than protecting the very sources of life—our land, our air, our water, and our ecosystems. These also form the basis of all economic activities. These environmental resources must be given the highest priority in the global agenda of humankind. The laws that conserve, protect, and restore these elements of life must be implemented and their compliance assured.”

The Final Conference Statement of the 8th International Conference is available online at: <http://www.inece.org/conference/8/CapeTownStatement.pdf>.

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