



International Network for Environmental
Compliance and Enforcement

The role of international standard-setting bodies in coordinating EIA and environmental compliance and enforcement functions

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What is INECE?

- ▶ **Global network of environmental compliance and enforcement practitioners**
 - ▶ 4,000+ from more than 120 countries
 - ▶ Government officials, IGOs, and NGO partners
- ▶ **Key partners:** National governments, World Bank, UNEP, OECD, European Commission, IUCN WCEL
 - ▶ Founded in 1989 by the Netherlands and the United States
- ▶ **Regional and Topic-Specific Networks**
 - ▶ e.g., East Africa, North Africa, Australia, Asia, North America, Central America, Europe, China
 - ▶ e.g., seaports, prosecutors, climate change

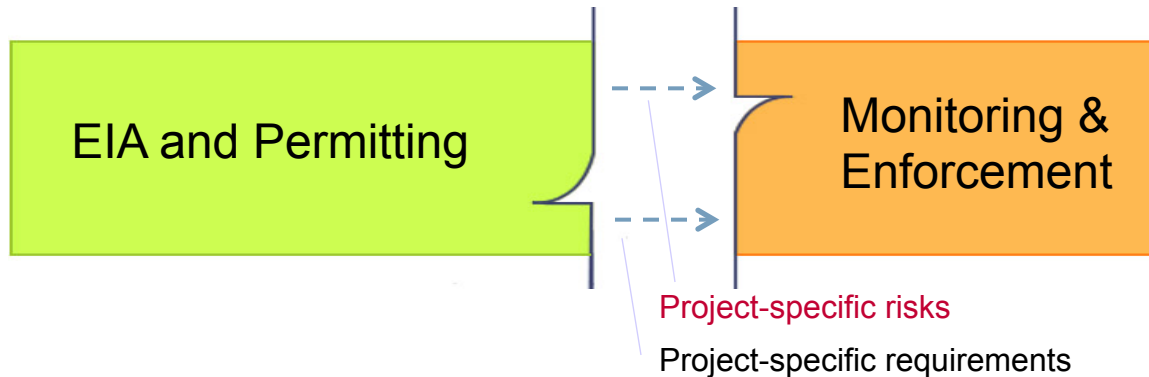


Value of Impact Assessment and Enforcement Cooperation

- ▶ Builds communication networks
- ▶ Standardizes approaches to impact assessment and compliance assurance
- ▶ Fosters political will needed to strengthen implementation of environmental standards
- ▶ Achieve desirable environmental outcomes more effectively



The Challenge: a disconnect between EIA and Environmental Compliance and Enforcement (ECE)



- ▶ Overlaps and gaps in responsibilities
 - ▶ Lack of resources allocated to ECE activities
 - ▶ Licensing requirements that are not auditable, feasible, or enforceable
 - ▶ View that obtaining a license is the last step in regulatory compliance
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The role of standard-setting bodies in facilitating coherence between EIA and ECE

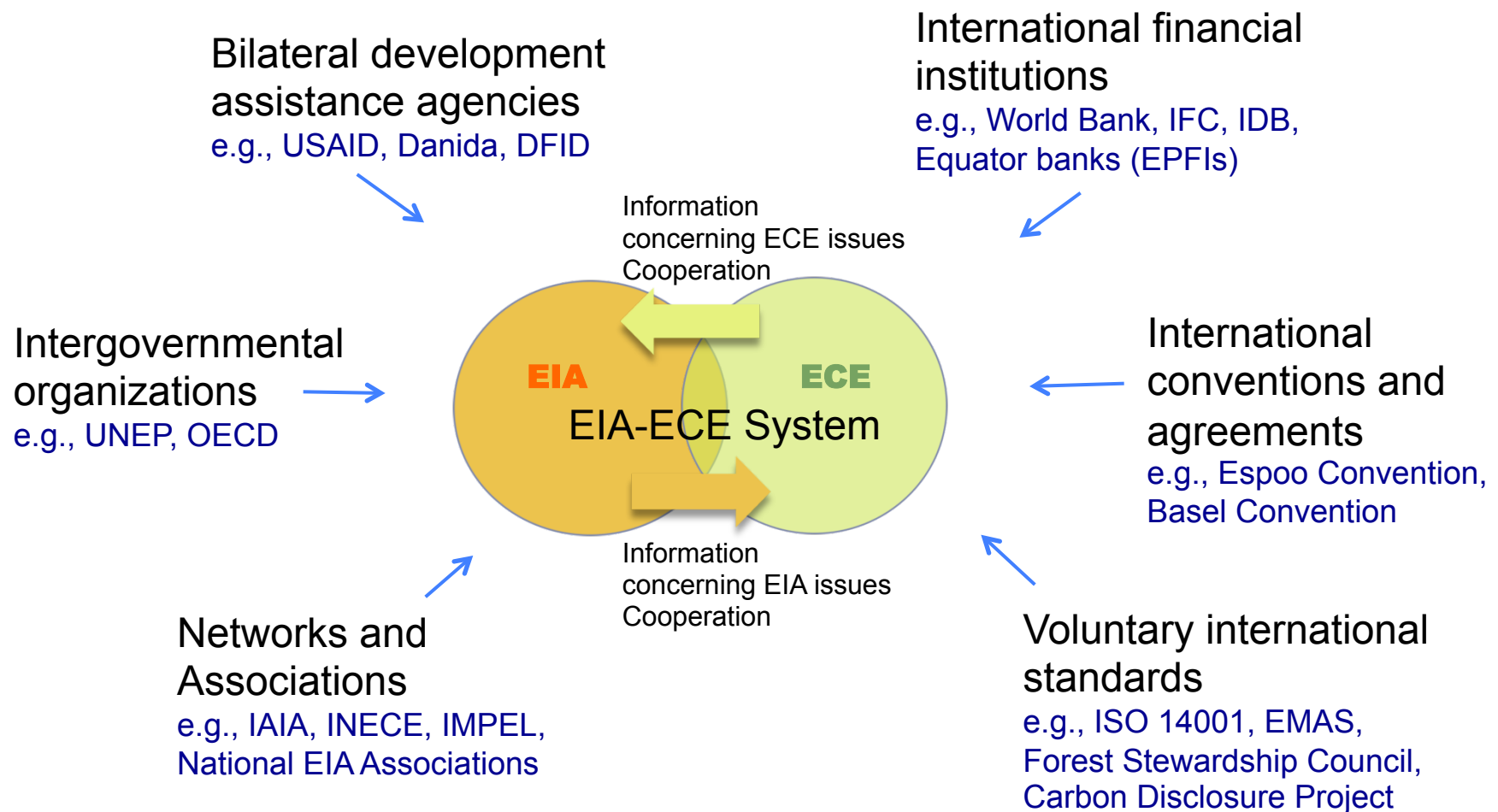
- ▶ **No explicit prescriptions** for EIA-ECE coordination
- ▶ Create expectations and contribute to an environment in which strengthened EIA-ECE coordination can occur
- ▶ Establish performance standards for EIA and ECE

What does coordination look like?

- ▶ Balanced capacities and resources for EIA and ECE
- ▶ Legal framework clearly assigns roles and responsibilities
- ▶ Sharing of information / culture of cooperation
- ▶ Matching ECE actions with EIA requirements and vice-versa



International standard-setting bodies



Voluntary international standards

- ▶ Environmental Management Systems (EMSs) are usually enterprise-wide and not project-specific
- ▶ Allow testing of “proof of concept” before possible integration of components of the standard into public regulation (Vandenbergh, 2013)
- ▶ Demonstrates a coordinated end-to-end system with both environmental management planning and compliance features
- ▶ Clear, auditable criteria

ISO 14001 - Requires certified entity to know the applicable regulations and **work toward** compliance

Eco-Management and Audit Scheme (EMAS) - Entity must comply with ISO 14001 standards, **achieve legal compliance** (verified by 3rd party), and publically disclose actual performance data

Networks and Associations

Regional and national networks and associations

Examples: East African Network for Environmental Compliance and Enforcement (EANECE), Eastern Africa Association for Impact Assessment (EAAIA), national associations for impact assessment

- ▶ Develop and promote nationally and regionally appropriate good practices for EIA and ECE
- ▶ Need for each group to better understand the functions and information needs of their counterparts
 - ▶ Study common issues jointly, share lessons learned
 - ▶ Share strategies for strengthening domestic programs, including inter-ministerial cooperation
- ▶ Opportunity to collaborate in developing ways to facilitate coordination between EIA and ECE



International Financial Institutions

Public sector financing through multilateral development banks

- ▶ Operational policies and performance standards:
EIA requirements and desired outcomes specified
 - ▶ Traditional model:
 - ▶ Lender oversight from project initiation to fund disbursement or end of project
 - ▶ Lender specifies EIA standards plus manner of compliance – lender enforcement
 - ▶ Sector-based and policy loans:
 - ▶ Lender specifies EIA standards plus environmental and social outcomes for sector or policy
 - ▶ Borrower “country systems” used to implement EIA and enforce compliance
 - ▶ **Gap-filling programs** by lender to build borrower ECE capacity and achieve EIA-ECE coordination
 - ▶ **Effective compliance and enforcement mechanisms implicit** for achieving environmental and social outcome goals
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International Financial Institutions

Private sector financing through development finance institutions

Example: IFC

- ▶ Performance standards:
 - ▶ “Sound environmental and social performance” specified
 - ▶ Client must develop overarching policy for achieving results
 - ▶ Client must comply with all applicable laws and regulations
 - ▶ Lender oversight model:
 - ▶ Promote best practices
 - ▶ Lender oversight until fund disbursement or end of project
 - ▶ World Bank Group Environmental, Health and Safety Guidelines (EHS Guidelines) describe performance indicators to be monitored
 - ▶ Where host country regulations differ from the EHS Guidelines, *the more stringent of the two must be applied* to the project
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Multilateral Environmental Agreements (MEAs) Coordination of agencies to achieve compliance

Case Example: El Salvador

► Inter-agency agreements

Clearly define roles and responsibilities, avoiding duplication of effort and competition between departments

Used by El Salvador in 2008 to specify environmental roles for each participating government ministry in complying with Central American Free Trade Agreement (CAFTA), which required compliance with many MEAs.

Ministry of the Environment and Natural Resources

promises to:

- ☐
- ☐
- ☐
- ☐

Ministry of Agriculture and Livestock

promises to:

- ☐
- ☐
- ☐
- ☐

Ministry of Public Health and Social Assistance

promises to:

- ☐
- ☐
- ☐
- ☐

The General Customs Office

promises to:

- ☐
- ☐
- ☐
- ☐

Conclusions and next steps for standard-setting bodies

- ▶ Standards are still fragmented - no holistic approach
- ▶ Need to recognize the necessity of balanced EIA and ECE capacities to achieving desirable environmental outcomes
- ▶ Very little information is available on coordination between EIA and ECE practitioners in practice
- ▶ Need for joint EIA-ECE problem-solving workshops and professional exchanges to develop and document nationally and regionally appropriate good practices



Contact Information



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Standard-setting bodies

