



– Forum Summary –

**Asian Environmental Compliance and Enforcement Network  
2009 AECEN Regional Forum, October 12-14, 2009  
Goodwood Park Hotel, Singapore**

**1.0 Background**

On October 12-14, 2009, the Asian Environmental Compliance and Enforcement Network (AECEN) held its 2009 Regional Forum in Singapore, hosted by the Singapore National Environment Agency (NEA). In conjunction with the Forum, the United Nations Environment Programme (UNEP) co-organized the Meeting on Advancing Effective Environmental Compliance and Enforcement in Asia to prepare a joint statement on environmental compliance and enforcement. The theme and focus of the AECEN regional forum was *Cleaner Asian Cities through Effective Environmental Compliance and Enforcement*.

Participants included more than 60 senior environmental officials, policymakers and experts from Cambodia, People's Republic of China (PRC), India, Indonesia, Japan, Lao PDR, Malaysia, Nepal, Pakistan, the Philippines, Singapore, Sri Lanka, Thailand and Vietnam, and representatives from development partners and other environmental experts from across Asia, the US and Europe. The United States Agency for International Development (USAID), U.S. Environmental Protection Agency (EPA), UNEP and the Swedish International Development Cooperation Agency (SIDA) provided funding and technical support for the forum.

The objectives of this three-day event were to:

- Elevate the importance of environmental compliance and enforcement through a dialogue among senior officials on strengthening regional cooperation in this area;
- Develop a regional statement highlighting the regional imperative for strengthening environmental compliance and enforcement in Asia, including national legal requirements and multi-lateral environmental agreements;
- Share best practices promoting improved environmental compliance and enforcement, especially through AECEN member-to-member “twinning” partnerships;
- Share innovative approaches on effective implementation of environmental laws in urban areas, highlighting the experience of Singapore;
- Present the 2009 AECEN Award for Outstanding Service and Commitment by a Woman; and
- Showcase Singapore's strategies in ensuring environmental compliance, through provision of an observational program.

In addition to expert presentations, panel discussions and technical exchanges on emerging trends worldwide and in Asia, the forum also featured a meeting among AECEN national coordinators to discuss priorities and arrangements for a permanent secretariat, a roundtable discussion among development partners on cooperation to support AECEN, and an observational program on Singapore's best practices for participants.

Following is a summary of highlights of the 2009 AECEN Forum. More information on the forum, including presentations and supporting documentation, can be found at [www.aecen.org](http://www.aecen.org).

**2.0 Meeting on Advancing Effective Environmental Compliance and Enforcement in Asia**

Dr. Bakary Kante, Director of Environmental Law and Conventions Division, UNEP, opened the meeting, welcoming the representatives from 14 countries who gathered in Singapore to discuss the

importance of environmental compliance and enforcement in the region. He congratulated AECEN and member agencies for their vision in joining hands to establish AECEN and noted that improving enforcement is truly vital for the protection of ecosystems, especially in Asia.

In his introductory remarks, Dr. Supat Wangwongwatana, Chair of AECEN Executive Committee and Director General of the Thailand Pollution Control Department (PCD), expressed special appreciation to UNEP for their leadership in co-organizing the meeting. He highlighted the common challenges faced by most agencies in implementing environmental laws and emphasized the need to identify creative solutions and promote continuing cooperation in the region through AECEN. Dr. Supat also underscored the importance of the joint statement as the first of its kind and a real breakthrough in bringing visibility to the importance of environmental compliance and enforcement.

### Country Priorities

Following opening remarks, Mr. Joseph Hui, Director General of the Environmental Protection Division, NEA Singapore, chaired a session where governmental representatives shared their ideas on the challenges and priorities for improving environmental compliance and enforcement in their respective countries.

Mr. Wu Jiyou of the Ministry of Environmental Protection China (MEP) indicated that in the face of strong economic growth, growing environmental concerns are also a government priority, especially as related to reduction of emissions through special inspection and enforcement efforts in key industrial and heavy-polluting enterprises across China.

Dr. Rashid Hasaan of the Ministry of Forests and Environment, India stressed that while India has over 200 environmental laws and regulations, environmental challenges remain unmet due in part to limited institutional capacities, lack of inter-sectoral coordination and absence of common pollution treatment technologies.

Recent developments in Indonesia, as shared by Mr. Ilyas Asaad of the Ministry of Environment, center on the passage of the amended Environmental Protection and Management Act, which includes many new and innovative provisions, such as integrated licensing combining business and environmental licenses, increased authority for inspectors, increased enforcement powers for the ministry to assist local entities, and criminal sanctions for government officials who neglect to perform their inspection or enforcement responsibilities.

Mr. Masanori Kobayashi of the Institute for Global Environmental Strategies (IGES) of Japan then informed the group that climate change is a priority in his country, and there is a continuing effort to consider a range of policy and market mechanisms in addressing environmental challenges. Greater emphasis is also being placed by the new administration on Asian regional cooperation.

For Lao PDR, Mr. Ketkeo Salichanch of the Ministry of Environment shared that while there is an environmental legal framework in Lao PDR, including an environmental impact assessment (EIA) program, implementation remains a challenge due to limited capacity and fragmented authority among regulatory agencies. Mr. Salichanch emphasized the importance of developing capacity building programs to strengthen implementation and enforcement of laws and regulations.

For Malaysia, strengthening criminal enforcement is a priority area. According to Mr. Lee Heng Keng, while there are over 30 environmental laws in Malaysia, the priority at present is to strengthen criminal and civil liability provisions for company officers.

For the Ministry of Environment Nepal, Mr. Babukaji Baniya indicated that the priority is to establish a new Department of Environmental Protection to provide inspection, monitoring, and international cooperation functions. Similar to other AECEN members, Nepal has various environmental protection laws and faces challenges in enforcing these various legal requirements.

In the Philippines, according to Mr. Ms. Teresita Samson- Castillo of the Department of Environment and Natural Resources (DENR), one of the ongoing challenges is coordination among over 30 agencies in charge of implementing and enforcing environmental laws and regulations. The recent effort by the Supreme Court of the Philippines to establish 117 special courts to adjudicate environmental cases reinforces the importance of environmental enforcement by regulatory agencies.

Thailand's priorities, as shared by Dr. Supat, focus on improved policies to enforce environmental laws. Like other countries, Thailand faces challenges in enforcement of over 70 laws related to environmental protection and management of natural resources. Priorities include integrating responsibilities of all line agencies to ensure coherent and effective environmental enforcement program. Due to recent court decisions in Thailand, there is increased importance given to the role of expert witnesses who support the adjudication process.

Singapore is focusing on increasing public awareness, especially in the area of the 3Rs (Reduce, Reuse, Recycle) and on energy efficiency, as explained by Mr. Chee Kwan Bin. Regional cooperation remains a strategic priority with the hosting of the ASEAN Environment Ministerial Meeting on October 27-, 2009 as a key example.

Sri Lanka, as represented by Dr. Wimaladharma Abeyewickreme of the Central Environmental Authority, informed the meeting that Sri Lanka is in the process of revising its Environmental Act towards incorporating higher fines and implementing a wastewater discharge fee nationwide. This fee system was developed through a partnership with AECEN.

As for Vietnam, Mr. Nguyen Xuan Bao Tam of the Ministry of Natural Resources and Environment stressed the importance of addressing environmental concerns at the outset of any planning process. He also highlighted the continuing need to link enforcement and with compliance promotion and providing a workable system for addressing public complaints.

Before proceeding with the review of the draft joint statement, Mr. Hui noted that there are a lot of similarities among countries, although each of the representatives also highlighted specific priorities.

### Regional Joint Statement

In preparing the joint statement, participants renewed their joint commitment to working together to promote improved environmental compliance and enforcement, and reached consensus on key issues, priority challenges and mechanisms for cooperation. After deliberations on key points and acceptable wording the joint statement was agreed by all. The statement is attached in Appendix A.

## **3.0 AECEN National Coordinators Meeting**

National coordinators and focal persons from member agencies of AECEN met to share network updates, and discuss ongoing and planned AECEN activities, including regional capacity initiatives, twinning partnerships and information sharing. The session focused in part on clarifying and defining member capacity needs and priorities, and exploring opportunities for future activities, including soliciting feedback from members on the AECEN programming approach for twinning and replication.

### Member Priorities

Members identified, and ranked, the following priority areas for cooperation with AECEN:

- Self-monitoring, record keeping, and self-reporting

- Compliance and enforcement programs, which includes permitting, compliance monitoring and inspection
- Compliance promotion and incentives, including informal enforcement response
- Capacity building on multilateral environmental agreements, including climate change, Basel Convention, etc.
- Land contamination countermeasures, including addressing remediation and liability issues
- Public participation in enforcement, including citizen complaint programs, public access to information, and awareness raising
- Judicial capacity building, including certification of judges to adjudicate environmental cases
- EIA and SEA, including transboundary EIA, and capacity building programs to conduct integrated policy assessments
- Economic instruments, including incentives, subsidies and environmental funds
- Enforcement response programs, which include criminal enforcement and forensic investigations.

The AECEN Secretariat and other partners will make use of these identified priorities in supporting future twinning partnerships and regional capacity building initiatives.

#### AECEN Twinning Approach

Members also provided feedback on the AECEN programming approach that features counterpart exchange through twinning initiatives to address member priorities.

The main elements of the approach include:

- Prepare a regional rapid assessment of capabilities and challenges of a priority area;
- Convene a regional workshop with selected AECEN members and other partners to validate the assessment findings and identify specific opportunities for cooperation;
- Establish twinning partnerships between advanced and less-advanced member agencies to strengthen capacity; and
- Organize regional training initiatives to build capacity and promote dissemination and replication of best practices.

During the meeting of National Coordinators, the AECEN Secretariat solicited feedback on this approach. Overall, members were in agreement with this approach, and are positive about the value of twinning partnerships. The representative from the Thailand's PCD indicated that the key to successful twinning partnerships is setting realistic targets and goals both on activities and outcomes, since partnerships involve partners' resources and time. The representative from Sri Lanka supported the development of rapid assessments and validation workshops as important first steps.

In addition, national coordinators discussed strategies for improved communications and coordination. There was agreement that expanded use of dynamic website functions could facilitate closer member communication and networking through user groups, internet-based training, Ask the Expert sessions, best practices inventory and a quarterly e-newsletter. In response, the AECEN Secretariat suggested creating a user community with access to a web-based database and communication system. The AECEN Secretariat plans to follow up with members to identify appropriate mechanisms to provide and share information.

#### **4.0 AECEN Regional Forum 2010**

Mr. Joseph Hui, representing the Singapore NEA as the forum host, welcomed participants to the Forum. In his remarks, Mr. Hui observed how unprecedented economic growth and urbanization had severely affected the environment in the region, and stressed the need to address urban environmental pollution through improved enforcement and compliance. Citing AECEN's role and also recognizing the importance of regional exchange, he then officially welcomed everyone to Singapore.

In his opening remarks, Dr. Supat reiterated the challenges faced by the region but also emphasized the importance of Asian governments working together to create new governance systems that leverage citizens, markets and the media. Underscoring the importance of regional cooperation, Dr. Supat broadly summarized AECEN accomplishments since 2005 and cited how AECEN's twinning partnerships continue to be an effective means for agencies to cooperate, resulting in tangible results on the ground and improved regional cooperation.

#### Keynote: Cleaner Asian Cities through Effective Environmental Compliance and Enforcement

Mr. Bakary Kante from UNEP delivered the forum keynote address, detailing how the increasing demand for food, water and energy, among others, in Asia has placed tremendous pressure on the region's ecosystem, which is impacting on the quality of life for people. On the positive side, he noted that the region is working to meet these challenges through the progressive development of environmental law, and particularly through the strengthening of compliance and enforcement measures.

Mr. Kante enumerated emerging trends in environmental law in the region, which include: (i) the development of constitutional environmental provisions; (ii) movement away from a strictly sectoral approach to regulation; (iii) inclusion of procedural rights in national constitutions; (iv) criminal sanctions for environmental crimes; and (v) the use of economic instruments and voluntary mechanisms.

While Mr. Kante acknowledged that Asia had come a long way to meet its environmental challenges, he pointed out that there is more work to be done such as strengthening the implementation of MEAs, making environmental laws more focused on key problems, more effective use of carrots and sticks to promote compliance, improving policing and reducing bureaucracy. He noted that much can be achieved by cooperation between countries and highlighted UNEP initiatives link closely with AECEN activities and priorities, such as judicial training.

On this last point, he cited the importance of this year's Forum as a means for countries to discuss how to ensure a cleaner Asian region through effective environmental compliance and enforcement. As a final announcement, on behalf of UNEP, he also committed to working with AECEN within one year to convene a regional ministerial meeting on improved environmental compliance and enforcement, effectively building on the Singapore joint statement.

#### AECEN 2009 Award Presentation: Commitment and Outstanding Service by a Woman

The 2009 AECEN Award for Commitment and Service by a Woman was then presented to this year's recipient by Dr. Supat and Dr. Herminia Francisco, representing the Award Selection Committee. The awardee, Dr. Monthip Sriratana Tabucanon, is the Principal Inspector General of Thailand Ministry of Natural Resources and Environment and has 31 years of service holding various senior-level positions, including Deputy Permanent Secretary, and Director General of both the Department of Environmental Quality Promotion and Pollution Control Department. Dr. Monthip has demonstrated leadership in promoting environmental protection and sustainable development both at the national and international levels, often with a focus on promoting the role of women.

#### Video Presentation: Replicating Innovation through AECEN Twinning Partnerships

The AECEN Secretariat presented a brief video on some of the recent success brought about by AECEN twinning partnerships. The video highlighted how regional cooperation and peer-to-peer exchange can enable innovative solutions to key challenges in environmental compliance and enforcement in the region. Examples focused on both voluntary measures (establishment of compliance assistance centers in India, the Philippine and Thailand) and command-and-control regulations (creation of environmental benches and courts in the Philippines and Thailand).

#### Challenges and Solutions for Improved Environmental Compliance and Enforcement

Moderated by Dr. Kala Mulqueeny, Asian Development Bank (ADB), the panel session focused on trends and challenges in environmental compliance and enforcement and successful efforts in addressing challenges through regional cooperation.

In his presentation, Mr. Eugene Mazur, Organisation for Economic Co-operation and Development (OECD), focused on: (i) developing strategies that use limited human and financial resources to achieve the greatest environmental gain; (ii) identifying the most effective mix of instruments; (iii) measuring the performance of enforcement authorities; and (iv) making environmental policy design and enforcement approaches mutually supportive. He emphasized a stronger focus on ensuring effectiveness and efficiency in agencies through cross-media integration and simplification, risk-based targeting of inspections, increasing importance of compliance promotion and greater emphasis on accountability and performance assessment.

Presenting an update on approaches in Asia, Dr. Peter King, Head of AECEN Secretariat, enumerated typical capacity constraints to effective compliance and enforcement in Asia, and possible indicators for benchmarking success. Using the results of the AECEN rapid capacity survey, Dr. King shared results related to staffing levels, comparing Asian agencies as well as agencies in the United States, and concluded that staffing should be increased by from two to ten times its current levels, and the agency funding levels should be increased even further. Based on the conclusions drawn, Dr. King noted that benchmarking can be an effective tool for promoting change, and also recommended that AECEN focus on identifying appropriate indicators to support a broader benchmarking effort.

Key issues discussed during the subsequent discussion included the need to deter non-compliance by removing the economic benefits; issues of joint liability of the regulated entities and environmental officers; strategies for effectively measuring compliance; and difficulties in developing regional performance indicators for effective compliance.

#### Innovative Monitoring and Inspection Tools to Reduce Urban Environmental Impacts

The panel focused on best practices on monitoring and inspection tools that enable urban centers to meet environmental goals. Ms. Jane Nishida, World Bank, was the moderator.

In his presentation, Mr. Poon Chew Tuck, Singapore NEA, explained the environmental management strategy in Singapore focusing on prevention, enforcement, monitoring and education, and partnership. He then shared salient features of the Environmental Management and Protection Act that relates to monitoring and inspection. This was then followed with some of the best practices in Singapore, such as: continuous monitoring of industrial emissions, remote sensing technology for measuring exhaust emission from moving vehicles and feedback tracking system for public complaints.

Mr. Davis Jones, U.S. Environmental Protection Agency (EPA), shared information on innovative approaches from the U.S. related to strategic targeting of inspections. He noted factors to consider in effective targeting when planning and conducting inspections and emphasized the importance of getting comprehensive and valid information. Citing the Enforcement and Compliance History Online (ECHO) database of the EPA, Mr. Jones highlighted how it contributed to effective compliance monitoring and how it increased public awareness.

Key issues discussed during the question-and-answer session included: (i) conducting targeted inspections based on public complaints in the U.S.; (ii) using the license system in Singapore to manage illegal dumping of solid waste and toxic waste; (iii) types of projects subject to EIA requirements including projects that impact national security; and (iv) citizen's role in enforcement and compliance in the U.S. through citizen monitoring and citizen suits based on published data.

#### Promoting Inter-Governmental Coordination in Urban Environmental Management

This session dealt with best practices on strategies for inter-governmental cooperation and sector integration to ensure effective compliance and enforcement, and was moderated by Ms. Siu Tip Lam, Vermont Law School.

Presenting the multi-agency approach in addressing air pollution in Metro Manila, Philippines, Ms. Teresita Samson- Castillo, Department of Environment and Natural Resources, provided a profile of Metro Manila and the legal framework of air quality management in the Philippines. She detailed the institutional roles and initiatives of various agencies, local government authorities and other partner institutions in addressing air pollution, and coordination at various levels. She also enumerated continuing challenges in the multi-sectoral approach to curbing air pollution in Manila and shared some lessons learned in terms of successful sustainability elements in a multi-agency approach.

Ms. Norlin Jaafar, Department of Environment Malaysia, provided a brief overview of the environmental management strategies and the concept of integrated project planning in Malaysia. She also shared information on the EIA process and how this system is entrenched in development planning. Citing the case of Putrajaya, she demonstrated how EIA is applied and how coordination among concerned government agencies was undertaken.

Referring to an AECEN twinning partnership on establishing a compliance assistance center for the swine sector, Dr. Warapong Tungittiaplakorn, PCD Thailand shared experience on the importance of collaborating among agencies in setting new policies and programs. When developing the compliance assistance center, PCD coordinated with a wide range of national and local agencies to seek their inputs. In addition, in undertaking a recent twinning partnership with Japan on soil contamination, PCD also applied new methods on agency coordination mechanisms among local governments related to implement the 2005 Soil Contamination Countermeasures Act of Japan.

Key issues discussed during the question-and-answer session included: (i) inspector capacity building programs in Thailand, which includes both technical and legal training, and in Malaysia which has a training program at the Environment Institute and on-the-job training; (ii) financial mechanisms to generate funds for use for restoration and clean-up for soil contamination in Japan; (iii) intergovernmental collaboration mechanisms in Indonesia; (iv) costs for preparing EIAs and the approval process in Vietnam; and (v) recent development in Malaysia regarding standards and guidelines for restoration of contaminated sites.

#### Member Priorities and Planned 2010 Activities

Dr. Peter King, Head of AECEN Secretariat, presented the results of discussions held during the National Coordinators meeting, as well as plans for 2010. In particular, he shared the priorities identified by members (see page 4), and informed the participants that AECEN members validated the AECEN programming approach related to twinning and capacity building. Dr. King also presented new ideas for networking, including a more dynamic website, quarterly e-Newsletter and member-led communities of practice.

For planned activities for FY 2010, Dr. King provided further detail on planned twinning activities on soil contamination (Japan-Thailand), energy efficiency (Japan-P.R. China), EIA in hydropower (Malaysia-Nepal), and self-reporting (Korea-Ho Chi Minh City). He also related two new twinning

partnerships led by U.S. EPA on permitting (China) and civil administrative authority (India). Regional capacity building initiatives will focus on EIA and social safeguards, soil contamination and improved court policies and practices.

In concluding the session, Dr. Supat called on Mr. Masanori Kobayashi, IGES, to make the announcement for the 2010 AECEN Regional Forum. Mr. Kobayashi informed everyone that the Ministry of Environment Japan (MOEJ) has offered to host the 2010 AECEN Forum in Kyoto, Japan in November. Information on the theme, exact location and timing would be provided later.

### Closing

In closing, Mr. Winston Bowman, USAID, underlined that addressing urban growth and urban pollution is one of the most pressing challenges facing Asian decision-makers and how effective implementation of environmental laws play a key role in addressing this concern. As to AECEN, Mr. Bowman congratulated the network and its members for its steady growth, both in terms of membership and relevance, and for setting the standard for regional cooperation. He also highlighted the significance of AECEN's partnership with UNEP in working with member agencies to develop a regional statement that will raise the visibility of AECEN and its mission, and lead to high-level commitment for deeper and more sustained action.

Mr. Hui, in his remarks, congratulated the participants and AECEN on a successful forum. From his perspective, AECEN is a different kind of network that "can get things done." For him, AECEN demonstrates that partnerships can lead to real results, and that AECEN is very proactive in identifying good opportunities and following through. In closing the program, he thanked everyone for their active participation in this year's Forum and wished all safe travels home.

## **5.0 Development Partners Roundtable**

After the forum closing, the AECEN Secretariat convened a development partners meeting to share ideas on priorities and opportunities for collaboration in support of AECEN activities. Present at the meeting were representatives from USAID, EPA, ADB, UNEP, World Bank, IGES, Swedish Environmental Secretariat for Asia (SENSA), Vermont Law School, OECD and International Development Research Centre.

In the meeting, development partners expressed positive support for AECEN activities, and provided information on relevant ongoing or planned initiatives that relate to AECEN priorities, especially for regional capacity building activities and twinning partnerships. USAID indicated that its support for AECEN is planned through 2012, while ADB expressed an interest in expanded cooperation related to social and environmental safeguards. The World Bank is also proposing a development grant to support some activities of the network. U.S. EPA will also continue collaboration by providing technical assistance in line with agency priorities. In addition, SENSA is now looking at opportunities to collaborate and has initially started with supporting the participation by Lao and Cambodian representatives in the 2009 Forum.

Finally, IGES reiterated its commitment to continue cooperation with AECEN. In fact, at the AECEN Executive Committee on November 14, AECEN put forward, and the Executive Committee accepted, a proposal by IGES to formally assume the role of AECEN Secretariat. The proposal included a three-year transition plan that detailed the relative responsibilities of ECO-Asia and IGES. Mr. Kobayashi presented the proposal in the context of IGES capabilities and interests related to its current role as secretariat for a number of regional networks with operations in Japan, Thailand and China.