



**- CHARTER -**

**ASIAN ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT NETWORK**

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**A. Background and Mandate**

1. Coping with the environmental impacts of rapid urbanization and industrial growth remains a significant challenge for Asia. While many governments have developed legal and institutional frameworks to respond to this challenge, implementation and enforcement of environmental laws remain weak due in large part to technical, financial and human resource limitations. Common institutional challenges include: overlapping and fragmented authority, limited interagency coordination, incomplete decentralization, lack of standardized procedures, weak human and institutional capacity, limited public outreach and involvement, and insufficient program data and performance indicators.
2. Recognizing the need for a regional approach for strengthening compliance and enforcement, in August 2005 in Manila, Philippines, environmental agency leaders from 13 Asian nations established the Asian Environmental Compliance and Enforcement Network (AECEN), an informal member network dedicated to promoting improved environmental compliance and enforcement in the region.
3. Composed of national and sub-national environmental agencies, AECEN serves as a regional platform for Asian countries to promote improved compliance with environmental laws and regulations through exchange of best practices and information, and targeted training and skills-building initiatives. AECEN also serves as the regional representative body for the International Network on Environmental Compliance and Enforcement (INECE).
4. With initial funding assistance from the United State Agency for International Development (USAID) and the Asian Development Bank (ADB), AECEN has developed into an effective platform for replicating best practices in compliance and enforcement through technical exchange, most notably, member-to-member twinning partnership. AECEN also organizes regional forums and other capacity building and networking initiatives. At the forum, AECEN presents an excellence award to acknowledge the contribution of an outstanding woman in the field of environmental compliance and enforcement.
5. To provide a foundation for network activities, AECEN developed the Regional Principles for Improving Environmental Compliance and Enforcement in Asia (hereinafter referred to as the AECEN Regional Principles). The AECEN Regional Principles (attached as Annex A) provide broad guidance to AECEN members (hereinafter referred to as Members) related to institutional arrangements; planning, performance and evaluation; compliance monitoring, inspection and permitting; enforcement response; compliance promotion and incentives; and public participation.
6. In 2009, AECEN collaborated with the United Nations Environment Programme (UNEP) in convening a regional meeting to develop a Joint Statement on Environmental Compliance and Enforcement in Asia (attached as Annex B). Agreed on October 12, 2009 in Singapore, the Joint Statement renews collective commitment, and highlights the urgent need to take concerted actions and importance of regional cooperation to ensure compliance with and effective

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enforcement of environmental laws and regulations, although it has no formal legal status binding on member countries.

## **B. Mission and Objectives**

7. The mission of AECEN is to promote improved compliance with environmental legal requirements in Asia through regional exchange of innovative policies and practices.
8. The objectives of AECEN are to:
  - Promote the development and implementation of improved environmental policies, laws, regulations and institutional arrangements;
  - Strengthen practitioner capacity through specialized training and skills development, including twinning partnerships between members; and
  - Facilitate regional sharing of best practices and information on strategies for strengthening compliance and enforcement.

## **C. Scope of Work**

9. AECEN promotes improved implementation of existing environmental legal requirements and compliance and enforcement programs, and the development of new environmental laws, policies and institutions based on international and regional best practices.
10. AECEN activities aim to achieve tangible results, including improved performance of compliance and enforcement programs, improved policies and practices and improved governance systems. Network activities are guided by the AECEN Regional Principles, which help strengthen program performance and advance improved environmental conditions, as well as the Joint Statement. AECEN activities also increase public involvement in environmental decision-making, and expand access to information and access to justice through improved transparency and accountability.

## **D. Framework for Engagement**

11. The framework for engagement includes: (a) strategic focus, (b) country commitment, (c) collaborative engagement, and (d) network sustainability.
12. Strategic Focus: AECEN activities are designed to achieve specific on-the-ground results in individual countries, and address challenges common to the region, including transboundary pollution and global challenges such as climate change. Regional exchange of best practices and information is a complementary objective in activity design and implementation.
13. Country Commitment: Members commit to sharing experience and information on innovative policies and practices. As appropriate, Members will commit to implementation of new policies and practices through pilot activities and twinning arrangements, contributing in-kind and other resources.
14. Collaborative Engagement: AECEN promotes collaboration through: (a) in-country stakeholder participation in policy development and capacity building activities; (b) regional counterpart exchange; and (c) collaboration with other networks and donors.

15. Network Sustainability: AECEN activities promote institutional sustainability that leverage support from Members, development partners and other stakeholders to ensure financial sustainability. Key to this is continuously strengthening member commitments and the ability to produce measurable results at both the country and regional levels.

#### **E. Network Activities and Results**

16. In consultation with the Members, the AECEN Secretariat (hereinafter referred to as the Secretariat) drafts an annual work program which is discussed and approved by the Executive Committee. The work program includes a range of country- and regional-level activities for implementation in partnership with Members. Principal working methods include:
- Conducting program assessments and other targeted studies to evaluate country and regional challenges and identify priorities;
  - Preparing an annual work program in consultation with the Executive Committee and Network members;
  - Conducting country pilot projects that promote development and adoption of new policies and practices;
  - Developing practitioner tools and other resources for application at regional and country levels;
  - Building practitioner capacity through peer technical exchanges, twinning partnerships, specialized practitioner training and information exchange;
  - Developing and disseminating regional guiding principles on compliance and enforcement and other publications;
  - Organizing regional and country workshops to share best practices and lessons learned on priority issues;
  - Establishing and maintaining linkages with other international and regional networks; and
  - Developing and maintaining a Network website and information on relevant topics.
17. To measure achievement of AECEN mission and objectives, the AECEN Secretariat tracks member adoption and implementation of improved policies, practices and other institutional arrangements. The Secretariat will build in appropriate performance indicators and targets for each project activity, which can then be used to assess the overall performance of the Network.

#### **F. Governance Structure**

18. Members: The Members include national or sub-national environmental agencies in Asia responsible for the development and/or implementation of environmental policies and laws, including compliance and enforcement. The Executive Committee invites national environmental agencies that are committed to improve compliance and enforcement through regional cooperation and information exchange to join the Network. In consultation with, or at the request of the national environmental agencies, the Executive Committee may invite sub-national agencies to join AECEN. Agencies join AECEN through a written official communication to the Chairperson, Executive Committee or the Secretariat designating a national coordinator or a sub-national focal person. In principle, there is no restriction on membership by eligible agencies.
19. Where possible, members participate in AECEN by voluntarily sharing information and best practices from their countries in support of Member country and regional activities, including engaging in twinning partnerships, developing regional training initiatives and toolkits, providing information on each Member country's progress or recent developments related to environmental

compliance and enforcement, and promoting the network within their country and with potential development partners and funding agencies.

20. Stakeholder representatives from each Member country, including judges, lawyers, experts, civil society and business leaders concerned with environmental compliance and enforcement can also participate in AECEN activities as observers and participants at the invitation of the Member. Representatives from international organizations, development agencies and donors can also join as observers and participants in AECEN activities at the invitation of the Member and/or recommendation of the Executive Committee.
21. Where possible, all Members commit to using best efforts to gain in-country and external support for AECEN initiatives and activities in order to promote effective and timely implementation of new or improved policies and practices in their countries and the region.
22. National Coordinators: Members designate a National Coordinator or, in the case of a sub-national agency, a focal person who will provide overall support to projects and serve as the primary point of contact for working with in-country stakeholders, the Secretariat and other partners. Members designate National Coordinators and focal persons according to their own internal selection criteria but with a preference that designees are at director-level or equivalent. Depending on a Member country's priority interests and commitments, responsibilities of national coordinators of the Member country may include:
  - Engaging in or providing support to twinning partnerships (i.e., peer-to-peer cooperation between Member agencies) that result in the adoption of improved compliance and enforcement policies and/or practices;
  - Sharing information with Members on country and sub-regional programs and successes via exchange of best practice experience. Participating in AECEN's forum and other regional workshops to share experience and best practices; and,
  - Co-organizing regional and country-based activities, including studies, technical exchanges and training workshops.
23. Executive Committee: Composed of representatives from Members and sponsoring development partners (i.e. governmental, international, and non-government organizations providing financial and/or technical support to AECEN), the Executive Committee serves as the governing body of the AECEN, providing overall guidance to help realize AECEN's mission. The Executive Committee sets the goals, policies, activities, annual work program and financial plans of the AECEN; approves any amendments in the AECEN Charter; reviews and approves work products; confirms new members; reviews and approves cooperative activities with private sector partners; and fosters cooperation and institutional strengthening on compliance and enforcement among Member countries and development partners.
24. The Executive Committee will have no more than eight members, which will include two representatives from each sub-region (South Asia, Southeast Asia, and East Asia) and two representatives from development partners. Representatives from AECEN Members should be from national agencies, preferably at the Director-General level, or equivalent, or higher. Representatives from development partners will be composed of one representative from a bilateral development agency and another from a multilateral development organization.
25. Executive Committee members will serve on a two-year, staggered, rotational basis, such that one representative from each sub-region joins the committee annually. Based on an alphabetical listing of Member countries for each sub-region, national member agencies will be requested to

nominate a member for consideration by the Executive Committee. In the case that an eligible agency for a sub-region decides not to put forward a representative per the alphabetical listing, the next member on the list will be requested to nominate. When a new member agency joins the network, it will be eligible to put forward a representative once all agencies on the list at the time of joining have been offered the opportunity to nominate. If a vacancy arises before the next selection phase, the Executive Committee will request for a nominee from the national agency next in line based on the alphabetical listing.

26. The Executive Committee will invite representatives from development partners to serve on the committee in line with AECEN programs and priorities. Representation will depend on the organization's internal criteria.
27. The Executive Committee will convene for a face-to-face meeting preferably one time per year. The Committee may also meet for special inter-annual meetings, either through face-to-face meetings, teleconferences or e-mail exchanges. The Executive Committee may invite additional participants or observers to the meetings from other development partners, agencies and international organizations.
28. Members of the Executive Committee, with the exception of the Chairperson, may designate other representatives to attend the meeting on their behalf, provided the proxy representative holds an equivalent position. These instances, however, should be limited and Executive Committee members are encouraged to participate in the annual meeting.
29. In all matters for decision, the Executive Committee will strive to reach consensus. Where a consensus cannot be reached, members of the Executive Committee may vote on particular motions. In these cases, only Executive Committee members from national agencies may vote, and a matter is decided based on a simple majority of those present at the meeting in which the vote takes place.
30. Chairperson: The Executive Committee will be chaired by a Chairperson who will serve a two year term, co-terminus with his/her term as a member of the Executive Committee. The Chairperson will be the primary representative of the network in regional and international events, and will serve as the liaison to the International Network for Environmental Compliance and Enforcement (INECE), which is the global umbrella organization for AECEN and other regional networks, and serve on the INECE Executive Planning Committee.
31. The Executive Committee will seek nominations among Executive Committee members and select the Chairperson by consensus. In the event of a vacancy arising from unforeseen events, the Executive Committee will select another chair from among the existing Executive Committee members.
32. Working Groups: The Executive Committee may create working groups, as needed, to undertake specific tasks, such as forum preparations, capacity building strategies, fundraising, etc. The Executive Committee will approve the scope of work for each task force, including activities, outcomes and time lines. A working group will be led by a member of the Executive Committee, working together with other Members. Participation in any working group will be solicited via the Executive Committee through the Secretariat.
33. Secretariat: The Secretariat will support implementation of AECEN activities and facilitate coordination among Members. The Institute for Global Environmental Strategies (IGES) will serve as the Secretariat, and will engage staff and other resources to implement the work program

in accordance with its organizational policies and practices. The Secretariat will have a Head who will oversee overall AECEN activity implementation. The Secretariat will perform its duties under the guidance of the Executive Committee, and report and consult on AECEN's concerns, activities, and accomplishments from time to time.

34. The Secretariat is responsible for the following, *inter alia*:

- Supporting the design and implementation of work program activities;
- Maintaining contact with regional participants to exchange information via internet and other communications;
- Supporting the identification of priorities by Members and matching project funding as needed;
- Working closely with National Coordinators and focal persons to disseminate results and lessons learned;
- Supporting organization of annual meetings, country and regional trainings, technical exchanges and other workshops in partnership with the Members;
- Monitoring and reporting on the progress and implementation of AECEN activities and projects;
- Building and sustaining linkages with Members, development partners, international partners and networks;
- Identifying and maintaining information resources, including reports, surveys, questionnaires, training manuals, case studies, policy and guidance documents to support implementation of the work program;
- Coordinating with other international networks to share information and experience, and cooperate on joint programs;
- Maintaining and updating the AECEN website;
- Drafting a sustainability plan for the AECEN; and
- Addressing other issues and concerns identified by the Executive Committee.

#### **G. Coordination with Other Programs, Networks and Development Partners**

35. AECEN will coordinate with multilateral and bilateral development agencies to implement programs and initiatives in Asia according to agreed work plans.

36. AECEN will also collaborate and coordinate closely with other relevant networks, including INECE, Asian Regional Partners Forum on Combating Environmental Crime (ARPEC), Multilateral Environmental Agreements Regional Enforcement Network (MEA-REN), Association of Southeast Asian Nations' Wildlife Enforcement Network (ASEAN-WEN), Australasian Environmental Law Enforcement and Regulators Network (AELERT) and Clean Air Initiative-Asia (CAI-Asia) and others.

37. AECEN will also cooperate with private sector partners, as appropriate, through sponsorship support for specific activities, such as the AECEN Regional Forum. The Executive Committee will approve all cooperative activities with private sector partners in line with agreed guidance.

#### **H. Funding and Sustainability**

38. Resources for the implementation of AECEN activities could include monetary funds, in-kind and staff contributions from Members and other networks. International development partners may provide annual or multi-year commitments that match each organization's programming objectives, or comparative advantages or in-kind support. IGES, in its capacity as the

Secretariat, will contract with development partners, as appropriate, for specific activities, and will consolidate network resources and manage funds in accordance with approved annual work plans.

39. To ensure AECEN's sustainability and impact, the Secretariat will work closely with the Executive Committee, National Coordinators and other partners to develop long-term fund-raising strategies that leverage inputs from members, development partners, as well as other supporters.

**I. Amendments**

40. This Charter may be amended, when necessary, by the Executive Committee. Proposed amendments will be sent to Members by the Secretariat together with the official notice.