



Asian Environmental Compliance and Enforcement Network (AECEN)

AECEN Executive Committee Meeting 22 September 2015 Charoennakorn Room, Anantara Riverside Bangkok Resort Bangkok, Thailand

On 22 September 2015, the Asian Environmental Compliance and Enforcement Network (AECEN) organised the AECEN Executive Committee Meeting to discuss progress of AECEN since the last meeting, budget/finance issues, expansion of mandate into EIA issues, organisational issues and future work plan.

Over 21 senior officials from the environmental agencies of AECEN's Executive Committee member countries – People's Republic of China, India, Indonesia, Japan, Maldives, Sri Lanka, Thailand, Vietnam along with representatives from the development partners attended the meeting.

The primary objectives of the meeting were as follows:

1. Report on Past Accomplishments (2012-Present)
2. Highlights of Member Activities Since Previous Meeting
3. Network Sustainability and 2016-2017 Work Plan
4. Summary of Decisions and Closing

Introductory Comments

- **Ms. Vinda Damayanti Ansjar (Deputy Director, Compliance Monitoring, Ministry of Environment and Forestry, Indonesia)**, representing the outgoing Chair, *Drs. Rasio Ridho Sani, M.Com., M.P.M.*, Director General for Environmental and Forestry Law Enforcement, Ministry of Environment and Forestry of Republic of Indonesia delivered welcome remarks and requested all of the attendees to introduce themselves.
- **Dr. Peter King (Head of Secretariat, AECEN)** indicated that AECEN has not had an Executive Committee Meeting since the completion of Eco-Asia project funded by USAID in September 2012. IGES has been keeping AECEN afloat on relatively limited budget from its core funds and a small contract from ADB. He updated attendees on the report of past accomplishments since 2012 and current network situation and way forward.

1. Report on Past Accomplishments (2012 – Present) – Dr. Peter King (Head of Secretariat, AECEN)

1.1 Growth of AECEN Membership: Dr. King updated the current members of AECEN which include 22 environmental agencies from 18 countries: Cambodia, China, India, Indonesia, Japan, Korea, Laos, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Singapore, Sri Lanka, Thailand, Vietnam as well as 4 development partners: ADB, USAID, USEPA and UNEP.

1.2 Past Twinning Partnerships (2013-2014): Dr. King provided a summary of AECEN Twinning Partnership activities in Lao PDR, Sri Lanka and Japan. The activities were funded by ADB and aimed to develop the implementing capacity of EIA through mutual hands-on learning opportunities among the government officials in charge and experts nominated by the Ministry of Environment, Japan (MoEJ) and deliver tangible outputs that are beneficial to mentee countries. Under this TA, *116 practitioners from government agencies and organisations were trained in 2013 – 2014*. In terms of implementation of EIA's, the *Environmental Management and Monitoring Plan (EMMP)* which is attached to EIAs in the region is the primary vehicle for compliance and enforcement. One of the few opportunities that governments have is to insist on certain environmental practices and communication measures in the EMMP. Governments build into the permits for projects to proceed certain mitigation measures which need to be monitored as part of “Environmental Clearance Certificates”. This has been one of the major mechanisms in this region for government agencies to have some control over environmental management practices associated with development projects.

1.3 Recent Activities (2012-2015): Dr. King updated AECEN's involvements in many events in the region since 2012 with the highlights on Environmental and Social Safeguards.

1.4 PACT Partnership on EIA and Public Participation: Dr. King updated that AECEN has been involved with the Mekong Partnership For the Environment/PACT Thailand and co-hosted a few regional workshops to discuss EIA and the establishment of a Regional Technical Working Group (RTWG) to develop regional guidelines for public participation in EIA in the Mekong region. Under this project, 5 more RTWG meetings are being planned from 2015 – 2017.

1.5 Website Maintenance and Updates: Dr. King noted that AECEN managed to maintain the EIA clearinghouse compendium on its website through the support from ADB. Over 700 regional news items, event listings, and documents have been put online in FY2015. Close to 400 news items were EIA-related. He stated that the website should continue to be maintained because it is quite unique in the region.

2. Highlights of Member Activities Since Previous Meeting

China - Mr. Cao Liping (Deputy Director General, Department of Environmental Inspection and Enforcement, Ministry of Environment Protection) and Mr. Liu Wei (Director, Department of Environmental Inspection and Enforcement, Ministry of Environment Protection)

- There have been two important developments from Ministry of Environmental Protection (MEP) 1) *The revision of the Environmental Protection Law* in November last year; and 2) *China's New Environmental Protection Law* came into effect in January 2015.
- MEP has enforced penalties for illegal enterprises and dealt with 348 cases from January – July 2015. *More than 1,300 illegal enterprises were limited or closed.*
- MEP has also launched the programme for Environmental Protection Law implementation which has also complied with AECEN guidelines.
- MEP has publicised more information on enterprises, enforcement, pollution discharges and monitoring.
- MEP has interviewed local governments more than 20 times in order to deal with environmental protection management.
- MEP tightened environmental protection by taking measures with coal-fired power plants that don't meet the standards for the environment.

India - Dr. Rashid Hasan (Advisor, Ministry of Environment Forest and Climate Change)

- With the technical support of AECEN, an *Environmental Compliance Assistance Centre* was established in West Bengal.
- India has taken many further steps to improve environmental compliance. One of the important actions is the *strengthening of legislation and including data collection, reporting, and management systems*. In terms of electronic reporting, 700 industries have set up online monitoring devices and started putting their data online. India has encouraged industries to work on their action plans with the focus on air, water and ground water pollution. By 2020, India expects that there will be no untreated sewage discharge above the standards in Ganga basin.
- The Prime Minister of India also launched an *Air Quality index (AQI)* for sensitising public presently in 11 cities. AQI will be expanded in other major cities.
- Online IT enabled environmental clearances, consent management and authorization, granted under various environmental statutes, are in place.

Indonesia - Ms. Vinda Damayanti Ansjar (Deputy Director for Compliance Monitoring, Ministry of Environment and Forestry) and Mr. Anton Sardjanto (Deputy Director, Ministry of Environment and Forestry)

- Last year, the Ministry conducted a 3-day Investigation Training in Sumatra. In addition, *EIA has been integrated into permitting since 2012* which allows the companies to get the operational license from the permitting agency.

Japan - Mr. Kazumi Yoshikawa (Director, International Cooperation Office, Environment Management Bureau, Ministry of Environment)

- Mr. Yoshikawa updated attendees on the International Workshop for *EIA systems and implementation held in February 2015* by Ministry of Environment, Japan. In addition, he stated the importance of EIA systems in Japan and that the Environment Minister has objected to all new coal-fired power plants projects proposed by industries after the Fukushima nuclear incident.
- Japan would like to *support recent initiatives and the EIA work through AECEN related-activities.*
- *International Association for Impact Assessment (IAIA)* will be held in Japan in May next year. Dr. King said this will be a great opportunity to present the experiences of implementation of EIA across the region.

Maldives - Ms. Aiminath Nizar (Engineer, Environmental Protection Agency, Ministry of Housing and Environment)

- Maldives introduced its 1st EIA revision since 2012 and new amendment on EIA took effect in 2015. The law indicates that the *executive summary of the EIAs should be written in local languages* leading to a larger number of local participants in the EIA process. As a consequence, the number of EIAs has also been increased.
- The main challenge on EIA in Maldives is *environmental monitoring*. Maldives is interested in receiving training/technical assistance on environmental monitoring through an AECEN twinning partnership programme.
- EPA has adopted a *Waste Management Regulation in 2013* but it is still very weak. Implementation has been difficult due to the lack of management of hazardous waste, human resources and limited budget.
- Maldives doesn't have any *regulation on air pollution* but a draft version is currently being formulated and should be in place next year.
- *Phasing out Plastic Bags project* - Maldives has come up with guidelines on bio-degradable bags. The duty fee is free for bio-degradable bags while the normal plastic bag will be charged 400% of the original cost of the bags.

Thailand - Mr. Janejob Suksod (Director, Environmental Quality and Laboratory Section, Pollution Control Department)

- PCD joined AECEN since its establishment. PCD has *law and regulation for air emission sources* which complies with the Environmental Law.

- Support of AECEN and USEPA helped in establishing the ***Compliance Assistance Centre for pig farm industries*** in Thailand. To replicate this model, PCD has established Compliance Assistance Centres in Bangkok as well as other ***16 centres nationwide***.
- PCD has launched an ***Information Centre*** to provide information on air emission sources to the public on how the law, regulation and compliance work. PCD is also setting up a ***Consulting Network*** which will help companies to comply with national emission standards. As a next step, PCD hopes to have the network covering the whole country.

Vietnam - Mr. Le Vu Tuan Anh (Deputy Director General, Inspectorate, Ministry of Natural Resources and Environment) and Mr. Hoang Xuan Huy (Head of General Office, International Cooperation Department, Ministry of Natural Resources and Environment)

- Vietnam thanked AECEN for the invitations to participate in the important events.
- Vietnam received support from AECEN through three training courses since 2007. The training courses were designed to ***train 200 Inspectors nationwide***. After the completion of the training courses, a number of inspectors have become trainers. They continued to conduct training courses at the local level to train others. In addition, AECEN also helped to develop ***two manuals on Environmental Inspection*** which were very useful and remained valid until 2014 because of the new Environmental Law. Vietnam would like to receive additional support in revising the new manual for the future use.
- Vietnam expressed that they would like to continue to receive support from AECEN through trainings and meetings in the future.

Sri Lanka (Observer) - Mr. K H Muthukuda Arachchi (Director General, Central Environmental Authority)

- EIA was implemented in Sri Lanka since 1993. Sri Lanka conducted training programme on EIA regulation funded by ADB and has implemented the ***country responsive system / advanced reporting system***.

ADB - Mr. Nessim Ahmad (Deputy Director General, Sustainable Development and Climate Change Department) and Mr. Daniele Ponzi (Lead Environment Specialist and OIC Technical Advisor for Environment Thematic Group, Environment and Safeguards Division)

- ADB is committed to continue to work with all AECEN partners to make AECEN a success and strengthen environmental compliance and enforcement in region. ADB will also continue to support improvements of Country Safeguards Systems (CSS). Under its CSS activities, ADB invested more than \$36 million in 36 of its ***developing member countries to strengthen CSS***. The associated CSS TAs covered EIA, institutional frameworks, institutional capacity, knowledge sharing and South-South cooperation.

- In addition, ADB has also been working on the *Mapping Exercise on CSS*. The aim is to identify gaps, strengths and weaknesses of countries in the region. It is expected that the mapping will be completed in December 2015 and it will be shared to all concerned.
- ADB also established the *“Joint Safeguards Practitioners CoP”* on EIA and Social Safeguards, which comprises practitioners from World Bank, ADB, JICA, USAID and Department of Foreign Affairs and Trade in Australia. The group meets regularly to share information and knowledge and identify opportunities for collaboration. *The Next Joint CoP meeting will be held in Bangkok on 11 – 13 November 2015*. As part of this, ADB has also established centres of excellence in the Philippines and in AIT, Vietnam to provide training and material on EIA capacity development.
- As part of its work on CSS, ADB has conducted a number of regional workshops on CSS in which AECEN was involved. The next one is planned during the IAIA 2016. There is scope to synergise with the *IAIA meetings and see on how best we expand/widen the Joint Safeguards Practitioners CoP to other countries in Asia*.
- Moving ahead, ADB is looking forward to collaborating with AECEN Executive Committee Members and continuing to work closely with AECEN. Mr. Ahmad expressed that the region needs AECEN and we need to find ways to close compliance gaps and make sure that all of the relevant laws are effectively in place and implemented.
- ADB is currently processing a Technical Assistance programme which is expected to be approved by the end of this year or beginning of 2016 - with the title *“Scaling up Private Sector Participation and Use of Market Based Approaches to Environmental Management in the Asia Pacific region.”* .An important focus of the TA is to engage more effectively the private sector. The proposed amount is \$1.5 million and will tentatively include 4 main activities: (i) a review/stock-taking of use and applicability of MBAs in Asia-Pacific countries; (ii) preparation of pilot country roadmaps (for 3-5 countries max) towards greater use of MBAs and other flexible policy approaches; (iii) preparation of 6-8 background papers on green business opportunities in the region; and (iv) organization of the first ADB green business forum. Possible collaboration with AECEN and potential entry points could be explored.
- Finally, *ADB's Office of the Compliance Review Panel has expressed its interest in partnering with AECEN to expand its outreach and interaction with specialized environmental compliance and enforcement bodies to share lessons learned, best practices, innovative approaches and tackling compliance issues* towards better development outcomes for countries in the region.

USAID - Mr. Alfred Nakatsuma (Director, Regional Environment Office)

- Mr. Nakatsuma complimented AECEN on their active involvement in a broad range of activities which was unexpected due to the budget constraints.
- USAID supports what AECEN is doing on EIAs and thereby the compliance mechanism for them. A large programme called *Sustainable Mekong Programme* funded by USAID includes the *Mekong Partnership for Environment* project, in which AECEN is involved.
- USAID has an internal agreement with USEPA to support the Sustainable Mekong Programme and other activities.
- USAID supports *“Smart Infrastructure for the Mekong”* (SIM) to provide technical assistance and capacity building for activities related to this concept.
- There are other activities which focus on the countries in Southeast Asia.
- A Governmental Mechanism that can provide technical assistance is part of the US Government support for compliance, EIA and Strategic Environmental Assessment.
- Bilateral agreements with countries in Southeast Asia include Indonesia, the Philippines, Vietnam and Cambodia.

USEPA - Mr. Davis Jones (Associate Director, International Compliance Assurance Division, Office of Enforcement and Compliance Assurance) and Ms. Rakhi Kasat (Southeast Asia Programme Manager, Office of International and Tribal Affairs)

- AECEN secretariat has been very helpful in some of US bilateral activities in reaching out to member countries to participate in workshops such as one held in Singapore (Inspection Training Workshop), and Indonesia (Criminal Investigation Course) etc.
- USEPA, EPAT and AECEN organised the *“Next Generation Compliance in Asia”* this month to share the best practices and advancements in Next Generation Compliance.
- USEPA has been working closely with INECE to hold an *“Air Pollution Enforcement Conference”* in Beijing next week. The conference partners with the Chinese Sub-Committee for Environment and Enforcement to bring in outside expertise and advise China on different approaches that other countries are taking in order to confront the air pollution issues through compliance and enforcement. Some 10 – 15 countries will be joining the event.
- A suggestion from USEPA for AECEN related activities. For IAIA2016, Mr. Jones said that the two IAIA conferences ago held in Chile. USEPA working in South America to create the *South American version of AECEN* and using the context through that network. The IAIA has agreed to hold two sessions on enforcement at the conference in which *IAIA has made the connection between compliance and enforcement and EIA*. The sessions were successful. Mr. Jones would like to encourage AECEN to leverage and present that point of view in this region as well.

- USEPA has partnered with USAID in launching the 4-year programme on “*Strengthening EIA in the Lower Mekong region*”. This will include trainings, tools and capacity buildings with the focus on public participation etc.
- USEPA signed a MOU with Ministry of Environment and Forestry, Indonesia in 2011 and has been very successful.

3. Network Sustainability and 2016-2017 Work Plan - Dr. Peter King (Head of Secretariat, AECEN)

3.1 Outcomes of Fundraising Efforts and Discussions with Development Partners –

Dr. King updated that since the completion of the USAID funded Eco-Asia project in 2012, support for AECEN core funds and activities essentially ceased. Dr. King expressed appreciation for the substantive USAID support for AECEN since its inception. Taking over the AECEN Secretariat from Eco-ASIA since 2012, IGES has approached all donors based in Bangkok; however, *IGES has had to support the Secretariat largely from its own core funds*. To keep AECEN alive, the Secretariat has obtained limited funding from ADB and USAID for projects related to environmental and social safeguards.

3.2 Expansion of Mandate into Environmental and Social Safeguards –

Dr. King continued that most of the AECEN work over the past 12 – 18 months has been in relation to strengthening Environmental and Social Safeguards (ESS). That was mainly because prevention and compliance is more acceptable in Asia than heavy-handed enforcement. ESS is an essential tool for environmental compliance in Asia and the funding is also available. Dr. King stated that the main issue was that the *change in the AECEN mandate has not yet been endorsed by the Executive Committee members* who represent environmental compliance and enforcement areas rather than the EIA area.

3.3 Institutional Arrangements –

Dr. King highlighted the strategic shift towards ESS that has implications for the current AECEN institutional arrangements. He raised following questions:

Should ESS be seen as a core activity of AECEN and attempts be made to secure funding for more ESS strengthening?

Mr. Alfred Nakatsuma (Director, Regional Environment Office, USAID) raised question whether the country members should support AECEN for some services that meet their country needs and should it be driven by members instead of donors.

Mr. Nessim Ahmad (Deputy Director General, Regional and Sustainable Development Department, ADB) indicated that *there should be no distinction between donors/recipients*. AECEN and its members have partnered with ADB and share common interests on strengthening the compliance and enforcement issues in this

region. *The strength of AECEN is its clear mandate* because no any other network in this region focuses on this particular issue. *EIA systems need to be part of the compliance and enforcement agenda. The Asian Infrastructure Investment Bank* is looking into country systems and matching standards and practices; *World Bank* has new policy that is looking into country systems; *Green Climate Fund* provides direct access to countries that meet standard on ESS and many other actors that focus on this agenda. Therefore, there will be opportunities for AECEN to mobilise more partners.

Dr. Peter King (Head of Secretariat, AECEN) summarised that there is no objection to expand AECEN into the areas of Environmental Social Safeguards which is welcomed to be part of continual compliance and enforcement.

Should AECEN members/representatives also be drawn from the parts of environment ministries responsible for EIA and/or SEA?

The EC members agreed to engage other environmental departments because of their expertise and knowledge on the EIA related issues.

3.4 Implications for 2016-2017 Work Plan – Dr. King updated the members that the only secure funding for AECEN in 2016-2017 is through the USAID funded Mekong Partnership on Environment where AECEN will be involved in *meetings of Regional Technical Working Group to develop a regional guideline on public participation on EIA*. AECEN is also preparing proposals for ADB funding in the areas of air quality management. Additional sources of funding will be sought. AECEN secretariat will prepare the workplan for 2016-2017 and will circulate it to the members for review and feedback.

3.5 Identifying Future Strategies and Next Steps – Dr. King raised four important questions to the EC members as follows:

Should AECEN increase the membership to include civil society organisations and/or the private sector?

The EC members agreed that *AECEN shouldn't increase its membership to include civil society organisations and private sector*. However, it is possible to involve them to some of the meetings/trainings/activities depending on the issues.

Should AECEN expand its membership to include other parts of Asia (such as West Asia, Central Asia) and/or the Pacific?

The EC members agreed that *AECEN should not expand its membership to cover West Asia or Central Asia* because of their differences in laws and regulations.

Should AECEN expand its mandate to cover “green” environmental issues like wildlife crime, deforestation, forest encroachment, biodiversity loss?

The EC members agreed that *AECEN should maintain its mandate and not cover other green environmental issues* since there are other existing networks dealing with these issues.

Should we close down AECEN and merge with similar networks (such as AELERT in Australia and New Zealand and/or ASEAN-WEN)?

Dr. Peter King (Head of Secretariat, AECEN) thanked development partners (ADB, USAID and USEPA) and other EC members for their strong support in keeping AECEN alive. However, AECEN has been struggled in finding funding sources and would consider merging with other similar networks if it is not successful in finding funding sources during the next EC meeting. This is to be discussed in the future.

4. Summary of Decisions and Closing

Ms. Vinda Damayanti Ansjar, Deputy Director, Compliance Monitoring representing Mr. Ilyas Asaad’s successor, **Drs. Rasio Ridho Sani, M.Com., M.P.M.**, Director General for Environmental and Forestry Law Enforcement, Ministry of Environment and Forestry of Republic of Indonesia, who has served as the Chair since 2012. He will be succeeded by **Dr. Rashid Hasan, Advisor, Ministry of Environment Forest and Climate Change of India**. Dr. Hasan will seek authority approval and will inform the result accordingly.

Dr. Peter King (Head of Secretariat, AECEN) thanked all of the EC member countries as well as the development partners for their continued support and future collaboration with AECEN.