

- CHARTER -

ASIAN ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT NETWORK



A. Background and Mandate

1. Over the last decade, rapid economic growth in Asia has resulted in significant environmental, social and economic costs. While many governments have developed new environmental legal frameworks to respond to this challenge, effective implementation and enforcement of environmental laws has remained weak due in large part to technical, financial and human resource limitations.
2. An assessment of environmental compliance and enforcement programs in selected Asian countries concluded that while each country has different legal and institutional frameworks, most face common challenges in ensuring compliance. Specific common program challenges included: 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. Country agency partners in collaboration with the United States Agency for International Development (USAID) conducted this assessment.
3. Recognizing the need for a regional approach for strengthening compliance and enforcement in the region, USAID, in partnership with Thailand's Pollution Control Department, organized a forum in Bangkok, Thailand in October 2004 for senior Asian environmental officials and other stakeholders to share experience and strategies for strengthening compliance with environmental laws. At the regional forum, participants from seven Asian countries unanimously endorsed the establishment of a regional network dedicated to assisting governments in developing innovative solutions that both expand existing command-and-control compliance and enforcement capabilities, and leverage community and market forces.
4. Based on the results of the Bangkok workshop, Asian leaders and development partners, including USAID and the Asian Development Bank (ADB), established the Asian Environmental Compliance and Enforcement Network (AECEN) as a regional platform to promote improved compliance with environmental legal requirements in Asia through regional exchange of innovative policies and practices. AECEN members are Asian country national or sub-national environmental agencies responsible for implementation of environmental policies and laws, including compliance and enforcement.
5. To launch AECEN, USAID and ADB co-organized a regional workshop on August 2-3, 2005 at ADB headquarters in Manila, Philippines. Over 120 participants from thirteen Asian countries and international development agencies joined together to establish the network and discuss working arrangements and priority program areas. The Department of Environment and Natural Resources of the Republic of the Philippines and ADB co-hosted the workshop. The objectives of this workshop were to: (1) obtain country feedback on AECEN's proposed structure, activities and operations; (2) present progress on AECEN country assessments and pilot activities; (3) share experience and information on compliance and enforcement best practices and tools; and (4) launch AECEN by affirming member country interest and donor partner commitment.

B. Mission and Objectives

1. The mission of AECEN is to promote improved compliance with environmental legal requirements in Asia through regional exchange of innovative policies and practices.
2. The objectives of the Network 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; and
 - Facilitate regional sharing of best practices and information on strategies for strengthening compliance and enforcement.

C. Scope of Work

1. The Network 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.
2. 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 will be linked to country-based performance indicators and the development of regional guiding principles, which are designed to strengthen program performance and advance environmental conditions. Network activities will also increase public involvement in environmental decision-making, and expand access to information and access to justice through improved transparency and accountability.

D. Principles of Engagement

1. AECEN principles of engagement include: (a) strategic focus, (b) country commitment, (c) collaborative engagement, and (d) network sustainability.
2. Strategic Focus: Network activities are designed to achieve specific on-the-ground results in individual countries, and address regional challenges, including transboundary pollution. Regional exchange of best practices and information is a complementary objective in activity design and implementation.
3. Country Commitment: Network 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, contributing in-kind and other resources, and tracking progress via performance indicators.
4. Collaborative Engagement: The Network 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.
5. Network Sustainability: Network activities will promote institutional sustainability that will leverage support from members, development partners and other stakeholders to ensure financial sustainability. Key to this is the ability to produce measurable results at both the country and regional levels.

E. Network Activities and Results

1. In consultation with the Executive Committee and members, AECEN will develop an annual work program that includes a range of country- and regional-level activities for implementation in partnership with member. Principal working methods include:

- Preparing an annual work program in consultation with the Executive Committee and Network members;
 - Organizing regional and country workshops to share best practices and lessons learned on priority issues;
 - Conducting program assessments and targeted studies to evaluate country and regional challenges and identify priorities;
 - 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, specialized practitioner trainings and information exchange;
 - Developing and tracking performance indicators to evaluate country performance;
 - Developing and disseminating regional guiding principles on compliance and enforcement and other publications,
 - Establishing and maintaining linkages with other international and regional networks;
 - Developing and maintaining a Network website and information on relevant topics.
2. To measure achievement of Network mission and objectives, the AECEN Secretariat will track member adoption and implementation of improved policies, practices and other institutional arrangements as measured by environmental compliance and enforcement performance indicators.

F. Governance Structure

1. Members: Members include national or sub-national environmental agencies in Asia responsible for the development and implementation of environmental policies and laws, including compliance promotion and enforcement. The Executive Committee will invite national environmental agencies that are committed to improving compliance and enforcement through regional cooperation and information exchange. In consultation with, or at the request of the national environmental agencies, the Executive Committee may invite sub-national agencies as members.
2. Members agree to participate in the Network by sharing information and best practices from their countries in support of AECEN country and regional activities. Members include agencies from countries that have a demonstrated level of expertise, as well as countries that are at the middle or early stages of implementing environmental legal requirements.
3. Stakeholder representatives from each country, including judges, lawyers, experts, civil society and business leaders can also join AECEN activities as observers and participants. Representatives from international organizations, development agencies and donors can join as observers and participants in Network activities.
4. Where possible, all AECEN members commit to using best efforts to gain in-country political 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.
5. Members will collectively develop tools to measure performance, such as ECE indicators, that can be assessed regionally. Members implementing pilot activities will develop indicators that are customized to country environmental compliance and enforcement programs and pilot activities.
6. National Coordinators: The member national environmental agency will assign a national coordinator who will serve as the primary focal point for working with in-country stakeholders, the Secretariat and other partners. Depending on country interests and commitment, responsibilities may include:

- Sharing information with members on country programs and successes;
 - Coordinating participation in annual forum and regional workshops to share experience and best practices;
 - Co-organizing regional activities and country-based activities, including studies, technical exchanges and training workshops; and
 - Supporting implementation of pilot projects that result in adoption of environmental policies and practices that lead to improved environmental compliance and enforcement.
7. Members that commit to developing and implementing pilot activities will sign a Letter of Commitment with the AECEN Executive Committee. The Letter of Commitment will define contribution of in-kind resources and development of work plans detailing objectives, activities, roles and responsibilities, outputs and performance indicators.
8. Executive Committee: Composed of representatives from members and sponsoring development agencies and donors, the Executive Committee serves as the governing body of the Network, 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 Network; reviews and approves work products; selects and invites members; and fosters cooperation and institutional strengthening on compliance and enforcement among member countries and development partners.
9. The Executive Committee shall have no more than nine members, which will include representatives from seven member countries (two from South Asia, three from Southeast Asia, and two from East Asia) and two international development agencies. Based on the inaugural forum in Manila, the founding members composed of Thailand, Philippines, People's Republic of China and Sri Lanka, together with USAID and ADB, agreed to serve on the first Executive Committee.
10. Executive Committee members will serve on a renewable two-year basis. The Executive Committee will elect a Chairperson who will serve for two years. The Committee will set forth the specific terms and rules for appointing Committee members, convening meetings, setting Network policies, and reporting meeting decisions. Decision-making by the Executive Committee will be by consensus basis.
11. The Chairperson or designee will serve as the liaison to the International Network of Environmental Compliance and Enforcement (INECE), and serve on the INECE Executive Planning Committee.
12. Secretariat: Under the guidance of the Executive Committee, the Secretariat will work with members to support design and implementation of country and regional activities. Through an integrated mix of technical assistance, program coordination, small grants, and exchanges, the Secretariat will work at country and regional levels on: targeted studies; country program assessments; pilot activities on improved policies, practices and systems; specialized trainings; and program indicators. In particular, the Secretariat is responsible for:
- Supporting the design and implementation of work program activities;
 - Maintaining contact with regional participants to exchange information and requests via internet and other communications;
 - Supporting the identification of priorities by members and matching project funding as needed;
 - Working closely with National Coordinators 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 Network activities and projects;
 - Building and sustaining linkages with members, donors, 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; and
- 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 Network; and
- Addressing other issues and concerns identified by the Executive Committee.

G. Coordination with Other Programs, Networks and Donors

1. In keeping with its mission, AECEN will coordinate with regional economic and social development programs and initiatives in Asia, including those developed by the United States Agency for International Development (USAID), Asian Development Bank (ADB), Association of South East Asian Nations (ASEAN), Institute for Global Environmental Strategies (IGES), Japan International Cooperation Agency (JICA), Swedish International Development Agency (SIDA), the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), United Nations Environment Programme (UNEP), the United States Environmental Protection Agency (U.S. EPA), and the World Bank.
2. AECEN will collaborate and coordinate closely with other relevant networks, including INECE, Regulatory Environmental Programme Implementation Network (REPIN), Balkan Environmental Regulatory Compliance and Enforcement Network (BERCEN), European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), Clean Air Initiative-Asia (CAI-Asia) to leverage experience, capabilities and knowledge in improving compliance and enforcement of environmental laws in Asia.
3. AECEN will also leverage support from other international, regional and bi-lateral donor partners that promote AECEN's mission, principles and objectives. One such partner is the Organisation for Economic Co-operation and Development (OECD).

H. Funding and Sustainability

1. Resources for the implementation of AECEN activities include monetary funds, in-kind and staff contributions from members and affiliated networks (e.g., INECE). International development partners may provide annual or multi-year commitments that match each organization's programming objective, or comparative advantage.
2. To ensure the Network'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 from Network partners.

I. Amendments

1. Whenever necessary, the Executive Committee may propose amendments to the Charter, which will be submitted to the members for approval at the Annual Forum.