

## Promoting Dialogue

### Ensuring Compliance

**T**he Fourth issue-based workshop on Ensuring Compliance was convened in Nairobi on 15-16 June 2004, within the context of the DDP work programme component on supporting global dialogues. 45 participants representing a wide range of stakeholder groups involved in the dams and development debate attended the meeting. The overall objectives of the workshop were to:



- Critically identify and evaluate different perspectives and measures to ensure compliance and determine the effectiveness of various enforcement mechanisms;
- Provide clarification on the roles and responsibilities of the various stakeholders and the public and private sector in ensuring compliance;
- Link responsibilities for ensuring compliance with the tools for compliance and evaluating the effectiveness of these tools;
- Discuss the institutionalisation of regulatory and non-regulatory measures to ensure compliance in the context of national legal frameworks and;
- Identify strategies for closing the gap between aspiration and reality where compliance issues are concerned.

The output of the workshop was a set of recommendations and issues to be dealt with that reflect principles, criteria and strategies concerning the improvement of implementation of compliance mechanisms at the national level.

Some of the **issues and recommendations** identified by the participants dealing with a wide range of aspects concerning compliance are presented below.

#### I) Tools Available/Needed for Ensuring Compliance:

- The need for appropriate standards and regulations at national /local level that may be complemented by international standards.
- The importance of having an external audit/review of existing compliance mechanisms.
- Addressing communication gaps among the different stakeholders and interested parties.

In addition, the following recommendations emerged during the plenary discussions:

- Development of clear and enforceable social and environmental standards related to dams.
- Inclusion of clauses from international conventions in contracts as a gauge to measure compliance (e.g. the Aarhus convention).
- Use of independent witness bodies integrated by diverse organisations including civil society.
- Establishment of a joint bilateral independent compliance mechanism in the case of either joint, bilateral projects or projects with transboundary effects.
- Inclusion of provisions for penalties, including holdbacks to be paid in cases of non-compliance with respect to environmental obligations by contractors that could be built into the contracts.



## II) Defining Stakeholder Roles and Responsibilities in Ensuring Compliance:

- The streamlining of the roles and responsibilities of different government institutions.
- The responsibility of Multilateral Development Banks for ensuring compliance after project loans have been repaid.
- The role of NGOs as watchdogs to help in enforcing license provisions.

In this regard, important recommendations emerging from the plenary discussions included the following:

- When standards and enforcement capacity is low the onus is on the stakeholders to agree on applicable standards.
- There is a need for a way of communication to account for local knowledge and also legal safeguarding of the Environmental Management Plan (EMP).

## III) Capacity Building

Capacity building was also highlighted as a key challenge in enhancing enforcement and the capacity for implementation. In this regard, the key issues identified at the national level included the following:

- The particular need for capacity building of NGO's and CBO's regarding monitoring, compliance and enforcement.
- The consideration of compensation for time spent and costs incurred in monitoring bodies.

In addition, the following recommendations emerged from plenary discussions:

- To enhance human, financial and technical capacity needs particularly in developing countries to ensure compliance.
- To build capacity among leaders representing and negotiating for the rights of the affected people in the construction of dam infrastructure projects.



**For more information please contact:**  
**UNEP - Dams and Development Project**

Division of Environmental Policy Implementation  
United Nations Environment Programme  
P.O. Box 30552, Nairobi Kenya

Telephone: (+254) 20 62 3891 Fax: (+254) 20 62 4763  
e-mail: [info@unep-dams.org](mailto:info@unep-dams.org) web site: [www.unep-dams.org](http://www.unep-dams.org)