

On environmental law enforcement authorities, particularly in the Czech Republic

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Environmental enforcement

I suppose the process of acceptance of any new idea will pass through the usual four stages:

- i) This is worthless nonsense;
- ii) This is an interesting, but perverse, point of view;
- iii) This is true, but quite unimportant;
- iv) I always said so.

John B.S. Haldane (1892 – 1964)

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- When reality is changing faster than theory suggests it should, a certain amount of nervousness is a reasonable response
- The Economist
September 2011
- Great Acceleration

Environmental law enforcement



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- Outline of the presentation:
 - Setting the scene
 - Governmental environmental protection authorities taxonomy
 - Enforcement authorities models in the world
 - The Czech Environmental Inspectorate: past and present
 - SWOT analyses of the Czech model
 - Gentle recommendations

Environmental law enforcement



- Environmental protection is a range of human activities aiming at maintaining the environment in a favourable status, *i.e.* in good conditions, particularly healthy, for a long time

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Nature

- Is a real world surrounding us: It was not created by humans, but humans critically depend on it.
- The United Nations Conference on the Human Environment, Stockholm, 1972



Environmental law enforcement



- The landscape is an Earth's cover, consisting of natural elements and man-made products
- The United Nations Conference on the Human Environment, Stockholm, 1972

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The environment

- Is a part of the world which influences humans and which is, *vice versa*, influenced by humans.
- Humans use and affect the environment, but at the same time, they have been adapting themselves to it.



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- Environmental protection and management is a multi-disciplinary social branch trying to keep the environment healthy
- It is a public interest



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Environmental protection/management is based on six basic instruments:

- Legal regulation
- Economic tools (fees v. subventions)
- Science, research, monitoring, surveys/inventories and innovations
- CEPA (communication, education and public awareness)
- Practical measures in the field
- ✓ Most often wise combination of them

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Types of governmental bodies within the environmental sector

- ❖ Executive – performing State/Public Administration
- ❖ Scientific/expert – advising through evidence-based approach
- ❖ Law enforcement and checking
- ❖ Information/data management - data gathering, analysing, storing and distributing

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- Enforcement authorities models in the world (I)
 - ✓ Authority directly under the Ministry of Justice or the Ministry of Interior
 - ✓ Authority under the Ministry of the Environment or an appropriate sector in charge of environmental protection
 - ✓ Non-departmental/statutory body (the United Kingdom: originally the Environment Agency)

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- Most often: distribution of power/task

☐ In the United States (I)

- (1) U.S. Environmental Protection Agency – a combination of executive, technical and research, legal enforcement and information/data management authority – established 1970, 17,000 staff



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❑ In the United States (II)
(2) U.S. National Park Service – rangers (since 1916, before carried out by the U.S. Army), 22,000 staff including seasonal one, 220,000 volunteers/year



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Czech Environmental Inspectorate (CEI)

- Established by the Act in 1991
- State/Public Administration authority
- Subordinated to the Ministry of the Environment of the Czech Republic

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CEI's field of activities

- Air quality
- Water management
- Waste management
- Nature conservation including CITES implementation
- Forest protection, conservation and management

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The structure follows these topics

- HQ in Prague
- 10 regional branches
- 2 other branches



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SWOT analysis (I)

Strengths

- Acting within the environmental sector, thus avoiding the sectoral barrierism
- National-wide coverage (10 regional branches, 2 other branches)
- The revenues of fines are gathered in the State Environmental Fund of the Czech Republic outside the State budget: the CEI is not paid funded the fines

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SWOT analysis (II)

Weaknesses

- Funded from the Ministry of the Environment of the Czech Republic
- Transfer of some competences (since January 1, 2024 checking felling of trees growing outside forest, *i.e.* on private parcels/plots, and checking some forest management measures transferred to other authorities)

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SWOT analysis (III)

Opportunities

- CEI should be considered as a real State/Public Administration authority, not as a sectoral body under the Ministry of the Environment (highlighting the public interest)

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SWOT analysis (IV)

Threats

- Director is appointed by the Minister of the Environment not by the Board consisting of broadly respected citizens nominated by the public or directly by the Parliament
- The competences could be limited step-by-step by reducing operational finances or staff

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Gentle recommendations (I):

- Adopt a robust legislation to cover the activities of the inspectorate and provide it with a strong mandate: The Inspectorate should be a financially and organizationally fully independent body.
- Define clearly the competences and rights of an inspector (and the whole inspectorate) in the respective law. It is essential for inspectors to have a right to access private premises without prior notice, right to suspend or at least restrict a harmful activity (*e. g.* production) or to close the enterprise violating the law not waiting for decision of the court.

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Gentle recommendations (II)

- Provide the inspectorate by regular financing. The budget should cover adequate salaries, operation of its own vehicle fleet, purchase and operation of technological equipment (such as a mobile laboratory, drones, molecular biology/biotechnology/forensic techniques, *etc.*).
- Protect the inspectorate against corruption by training of inspectors, adequate salaries and internal control mechanisms (e.g. anonymous anti-corruption hotline, procedure of internal corruption investigation, *etc.*).

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Gentle recommendations (III)

- Recruit and employ experts from various branch of knowledge including lawyers, psychologists and specialists in IT, public relations and marketing so that the inspectorate can keep pace with the private companies.
- There are many advantages in establishing regional branches.
- Cooperation with the general public and the target groups is very important, because it helps to reveal damage or threats to the environment, which would remain hidden

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Gentle recommendations (IV)

- The staff should be public persons protected against violence similarly to policemen/police officers or judges.
- Keeping transparency and support law violation prevention is essential.
- The fines have to be quite high to deter from law violations.
- The revenues of fines should be accumulated on a specific bank account (*e.g.* State Environmental Fund) and invested into the measures to protect the environment.

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Gentle recommendations (V):

- CEPA and marketing (iron logic supported by a spice of emotions, avoiding permanent alarming): aiming at the general public and the target groups by the feedback
- Employing high-tech including artificial intelligence (AI)
- Avoiding private sponsoring
- Seek for partners, supporters and alliances: Breaking „splendid isolation“

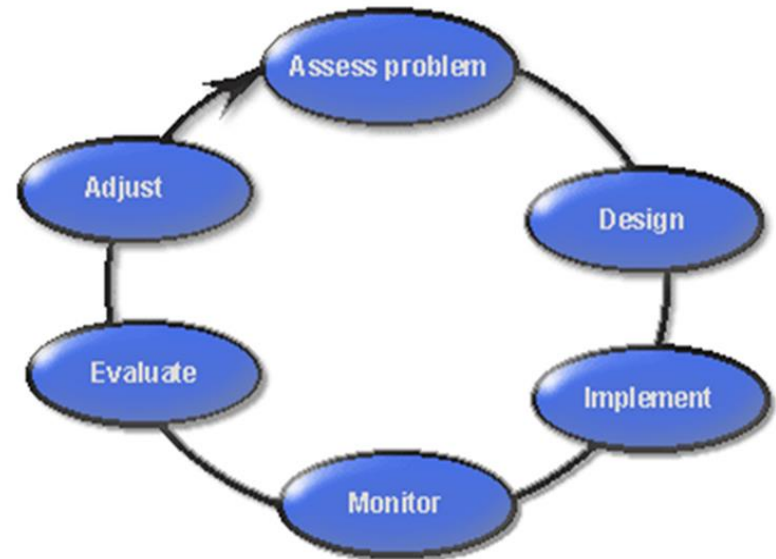
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- Possibilities that can be used in the course of the EU accession process (based on the CZ experience)
 - ❑ Enhancing an understaffed authorities
 - ❑ Enhancing the appropriate legislation including crime laws
 - ❑ Strengthening international cooperation: the environment does not respect geopolitical borders
 - ❑ Learning both best practices/lessons and failures

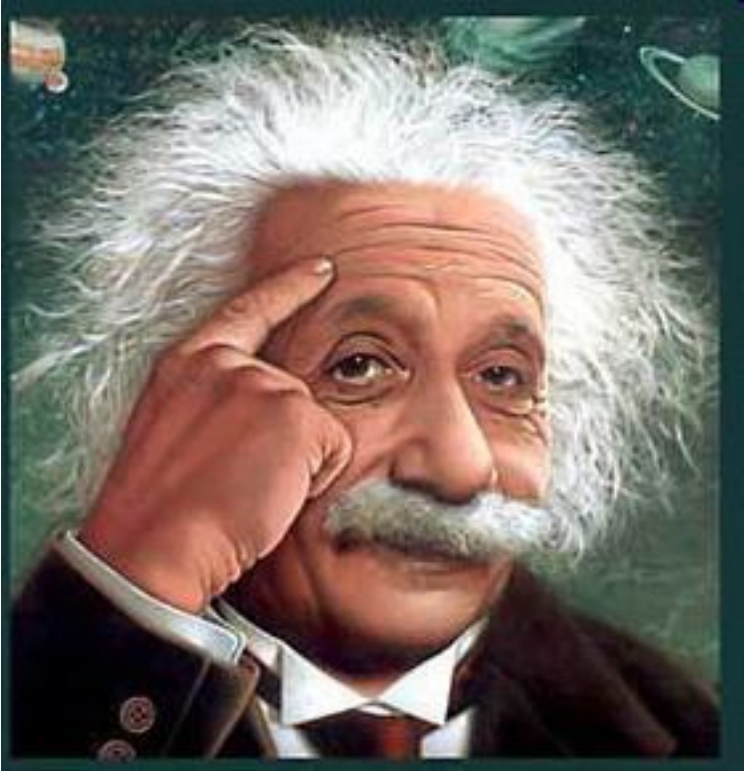
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Implementing current approaches

- Adaptive management
- Early warning system
- Ecosystem integrity
- Risks/hazards management
- Post-normal science, e.g. scenario analysis



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- Look deep into nature, and then you will understand everything better
- Albert Einstein

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Thank you very much
for your attention

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