

Working Group 3: The role of states/provinces and local authorities in implementation of international agreements

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The discussion within the group has started from the proposal to describe the existing “vertical” infrastructure in the countries represented. All members of the group have had the opportunity to explain the current organizational and corresponding administrative structure, which is considered as an actual basis for any national legislation enforcement.

The working group (WG) recognized the existence of different layers of government for the implementation of international agreements relevant to chemical and waste management and control. The WG also recognized that in most cases a dual system for law making and law enforcement coexists in different variations and modalities. The WG based its discussions on the premises of two branches of action: legislation and enforcement. It recognized the complexity of the issue of the role of states/provinces/local governments and focused on those previously mentioned activities.

All participants to the WG recognized that there is an important role for state/local authorities in the implementation of international agreements. The general impression was a need for the federal/central authorities to share info, resources, discussion spaces with State/local authorities. Also, that State/local authorities should become more sophisticated to be able to “play” such a role. Therefore capacity building is very much needed to fill this gap.

While identifying problems and obstacles to effective participation of States/ local authorities in the implementation of international agreements, it became evident that:

- A great variety of legal systems exists; some have two, three or even four level of government.
- Regulations are approved mostly on the national (central)/federal level;
- Enforcement is mostly cooperative. Both State and central authorities have enforcement mandates. In general federal/central governments have more resources, human and financial.

There have been outlined the following problems and obstacles:

- The working group identified the existence of an apparent lack of political willingness from federal authorities to “share” information, and capacity with state/local authorities, resulting in not sufficient coordination
- Lack of information flow to local authorities. Specific information should be shared between all levels of government.
- The working group identified some of the needs for capacity building among local governments, such as: financial resources and human resources – relevant trainings and specialization required, sufficient infrastructure, i.e. analytic laboratories,
- Poor administrative mechanisms for collaboration on implementation between different levels of government
- Lack or poor recognition of local authorities
- Language barrier among different regions
- Conflict of interests, race to the bottom
- Poor local environmental policies.

As a result of the discussion occurred the following solutions or recommendations have been proposed:

1. To involve local authorities into negotiations or participation in COPs.
2. To improve human resources/capacity building/trainings, involving all levels of governments
3. To disseminate specific and adequate information to all levels of governments, in different languages, if needed
4. To develop more flexible systems for transmission of information to different levels of governments and strengthen the role of all stakeholders in the process.
5. To create adequate multilevel forums
6. To promote awareness rising and civil society participation in decisions/policy making at all levels for the increase of civil society participation
7. To develop economic initiatives for local authorities to facilitate the implementation of the international agreements on the national level
8. To foster local governments partnership
9. Access or develop specific technical infrastructure like laboratories, etc.
10. To promote good governance, transparency, accountability, fight corruption and better salaries.
11. To develop appropriate case studies to foster local governments (UNITAR)
12. To improve state/provincial or municipal legislation
13. To facilitate technology transfer to local communities where production/management of toxic substances or residues are processed / managed should be fostered, therefore improving local authorities response abilities.