

**Steinar Andresen
Jon Birger Skjærseth**

**The Fridtjof Nansen Institute
P.O.Box 326, N-1326 Lysaker,
Norway**

**CAN INTERNATIONAL ENVIRONMENTAL SECRETARIATS PROMOTE
EFFECTIVE CO-OPERATION?**

**Paper presented at the United Nations University's International Conference on
Synergies and Co-ordination between Multilateral Environmental Agreements**

Tokyo, Japan, July 14-16, 1999

1. Introduction

The current system consists of a cluster of international and regional bodies with unclear mandates, different governing structures and undefined relationships (eg the CSD and UNEP, the CBD and various agreements in the marine area). It lacks direction and processes for setting overall priorities. There are serious problems of duplication and waste of negotiating time and resources, and it is not providing an adequate response to today's environmental problems. (Hyvarinen 1999)

More than 150 international treaties and other agreements in this field were registered by UNEP already in the early 1990s. These agreements form the core of international environmental institutions (IEAs). Most of them have a secretariat that takes care of administrative tasks and generally supports international environmental co-operation. A secretariat is an international organization established by the relevant parties to assist them in fulfilling the goals(s) of the treaty. Secretariats as organizations can be conceived of as actors within broader institutional structures or networks.

Secretariats supporting international environmental co-operation share both striking similarities and differences. On the one hand, most secretariats deal with core tasks spanning from arranging the meetings of the Co-operating Parties (CoP) to reporting, verification, data gathering and various assistance functions to the Parties. On the other hand, they vary concerning size, additional tasks, degree of activism, and linkages to other secretariats and treaties. Some secretariats are treaty specific, others are linked to the UN system in various ways. Most are decentralized, while some UNEP secretariats are co-located in Geneva. Yet other secretariats serve more than one convention.

In a changing world, secretariats represent the stable core of international environmental co-operation. However, they have been largely overlooked in the academic debate on the effectiveness of IEAs. Most of the literature on international secretariats has focused on the UN Secretary-General in international negotiation. In some major contributions, IEA secretariats have been assigned an important role (Sandford 1992, 1994). Von Moltke and Young (1995, 2) even argue that, "[...] the effectiveness of the secretariat is a necessary condition for the effectiveness of the regime." In order to discuss their actual and potential importance, we shall ask *to what*

extent and how secretariats can influence the effectiveness of international environmental co-operation.

The first section of this paper seeks to place the role and functioning of secretariats within a broader explanatory framework on the effectiveness of IEAs. The extent to which they matter depends both on the definition of effectiveness and on their importance relative to other explanatory factors. We argue that the potential impact of secretariats is limited, especially when effectiveness is understood as outcome and impacts flowing from the regimes. The second part is concerned with the functioning of single secretariats. We seek to discuss some determinants for success as well as make some empirical assessment of their functioning in practice. Here, we shall see that secretariats, under certain conditions, may affect joint international commitments. In the third part, we will narrow in on linkages between regimes and secretariats. On the one hand, ecosystems are closely integrated according to levels (global, regional, national, and local) and within and between different elements (land, air and water). On the other, the large number of environmental treaties show that international management is characterized by fragmentation. The integration/ fragmentation nature of problems and institutional responses calls for strong co-ordination between IEAs in general and secretariats in particular. So far, however, the tendency has been characterized more by establishing new institutions rather than merging and improving co-ordination between existing ones.

2. Conceptual framework

Studies of international environmental co-operation have evolved rapidly, from focusing predominantly on institutional formation and creation to a focus on functioning and effectiveness. Until the early 1990s, scholars of regime formation were mostly occupied with why some issue-areas were covered by IEAs, while others were not. More recently, scholars as well as policymakers started to wonder whether these efforts to cope with transnational environmental problems had any effect. Were the regimes effective? Did the IEAs have any impact on actor behavior and environmental

problems? One of the first questions they had to deal with was how to find out how IEAs function. Unless this can be analyzed, it makes little sense to assess the functioning of secretariats.

The concept of effectiveness has multiple dimensions, and has been defined in a number of ways (Underdal 1992; Young and von Moltke 1994). If we separate what has been achieved from what can be achieved, this approach leaves us with three different points of departure for measuring and evaluating effectiveness in the area of the environment: output, outcome and impact. *Output* is conceived of as joint commitments including rules and norms, *outcome* connotes changes in the behavior of relevant actors (target groups), while *impacts* represent the tangible consequences affecting the physical problem at hand. As IEAs are truly effective only when they are able to solve the problems that caused their establishment, some of the early effectiveness projects focused primarily on the link between output and impact.¹ More recent studies tend to put the main emphasis on behavioral change, or domestic implementation, caused by the regime. This exercise is a tall order but can be done through careful process tracing. The more demanding impact route is far more problematic, not least because there are severe methodological problems in establishing causal links between outputs and impacts. An array of unrelated factors may have an impact on the (physical) problem at hand. In short: the longer the chain of consequences, the more factors there will be to control for in order to assess effectiveness. Thus, we will argue that targeting output and outcome is the most feasible and interesting approach from the perspective of political science and institutional analysis.

The second and most difficult question is how to explain actual performance. Why do some efforts succeed while others fail? *Secretariats represent only one small factor within a broad explanatory framework.* At the most general level, there are two answers to this question (Underdal, 1990). First, degree of success may be determined by the character of the problem. Some problems are harder to deal with than others due to differences in “intellectual” and “political” characteristics. Intellectual aspects are related to the scientific capacity needed to develop adequate solutions. Political

aspects are primarily linked to the degree of asymmetry in actors' interests and preferences. Thus, an easy problem is characterized by identical interests and preferences. According to this perspective, efforts to combat ozone depletion have been more successful than efforts to cope with climate change simply because the former problem is politically and intellectually more easy to deal with. Here, secretariats play no role in explaining outcomes.

The second answer is more relevant to the discussion of secretariats. It is reasonable to assume that degree of success will be influenced by the *problem-solving capacity* related to the problem. Problem solving capacity can be conceived of as a function of three factors. First, the distribution of power among relevant actors. Second, the skill and energy invested in developing cooperative solutions. Third, the institutional setting, including relevant procedures aimed at handling collective choice situations such as decision rules. Secretariats belong in the latter category. Wettestad (1999) identifies secretariats as one of six institutional factors that may affect regime effectiveness. Efforts to combat ozone depletion have, according to the problem-solving capacity perspective, been successful because it has been dealt with by powerful institutions. The functioning of the ozone secretariat *may* have played a part in this.

International environmental institutions may directly affect state/society relationships through various pathways at the national level (Cortell and Davis 1996; Skjærseth 1999). Secretariats may affect the domestic level but they predominantly serve the parties at the international level. Their potential impact lies more in affecting output than outcome even though they can influence national priorities through their day-to-day contact with national bureaucracies.

In conclusion, the explanatory power of problem-solving capacity is modified by the type of problem facing the regime, the fact that institutions represent only one of three factors within the problem solving capacity perspective and that secretariats are but one small aspect of institutions. Thus, secretariats *cannot* be expected to make that much of a difference concerning the effectiveness of IEAs. With these considerations in

¹ A typical example is the initial phase of the so called 'Oslo-project', see Andresen and Wettestad, 1995.

mind, we shall now turn to the functioning of primarily single treaty-specific secretariats. Some of the observations may also be valid for all secretariats.

3. The functioning of secretariats

The behind-the-scenes role played by Convention secretariats means that their contribution tends to go unnoticed until problems arise. They are, however, among the key actors in any negotiation process, performing the indispensable facilitative function. (Depledge 1999)

In order to discuss more specifically how secretariats can affect the effectiveness of environmental co-operation, we shall first seek to identify the main tasks we expect a well-functioning secretariat to fulfil. Administrative day-to-day tasks that all secretariats are expected to conduct will not be dealt with. Instead, we shall focus on mainly two activities: their ability to confront political challenges and functions related to the implementation of commitments. We then ask which *qualities* seem the most important conditions for these functions. Secondly, we shall confront our assumptions and conditions with some empirical cases – most notably the secretariat for the North-East Atlantic co-operation, but also some scattered evidence from the International Whaling Commission (IWC).

Secretariat functions and qualities

The need for secretariats in international co-operation has not always been self-evident.² The advanced and complex IEAs of today, however, need secretariats for the making and compliance with joint international commitments. First, environmental co-operation normally confronts significant *political challenges* that can be handled more effectively by the assistance of well functioning secretariats. International environmental co-operation is difficult because the actors often have significantly different interests and preferences. Even though the parties initially succeed in signing a treaty, there is a long way to go from initial agreement to actual implementation. The

co-operation within the Framework Convention on Climate Change (FCCC) may serve as an example of extreme political difficulty, characterized by deep and asymmetrical interests. The more politically “malign” a problem is the greater the need for a neutral third party and ideally entrepreneurial leadership. However, the room for maneuver may be more restricted, the more difficult the problem is. Still, secretariats often have the best qualifications for fulfilling this role since they are the only independent (of national interests) actors with an institutional role and memory.³ Moreover, empirical studies have indicated that secretariat staffs are generally strongly committed to achieving the objectives of their respective treaties (Sandford 1994, 25). Thus, secretariats may have a potential to develop politically feasible solutions.

The first requirement for fulfilling this role is that secretariats are able to develop and maintain good relations with member countries, in particular. Many secretariats have experienced difficulties in this respect. For example, relations between member states and the UN Secretariat are considered so constrained by a lack of communication and mistrust as to hamper the UN’s ability to implement reforms (The Stanley Foundation 1997). Based on our evidence, communication between client states and secretariats outside the UN system has been less problematic. Integrity, neutrality, communication, and administrative professionalism in day-to-day routine tasks are probably the most important means to secure good relations with member states.

A second requirement is a mandate that opens up for an active role by the secretariat. Often such mandates are quite strict, but over time, with the building of mutual trust and learning, there is sometimes some room for more independent action on the part of secretariats. In much of the literature on the role of secretariats a distinction is made between ‘minimalist’ and passive, and ‘maximalist’ and active secretariats (Sandford 1992). Initiatives and innovative approaches characterize the latter mode, but in practice such a role is often problematic. It follows from the structure of the international system that states guard their sovereignty cautiously. The

² As we shall see later, the IWC had no Secretary during its first 28 years of functioning.

³ Under some circumstances, environmental non-governmental organizations (NGOs) may play an important role in this perspective. However, their contribution is usually of a different kind as they play the role of pusher more than neutral third party.

more active and ‘penetrating’ the secretariats, the less enthusiastically the state may respond. Thus, there is a delicate balance for secretariats between the need for activism to break deadlocks and to avoid offending powerful member states.

Thirdly, secretariats should also have sufficient funding to carry out their tasks properly. Financial difficulties are regarded as the most significant constraint faced by secretariats (Sandford 1994). Non-payment and late payment may lead secretariat staff to spend time and energy on fund-raising. However, stability and predictability in income may be more important than the level of funding. Since most organizations also have growth and their own survival in mind, secretariat staff satisfied with their level of funding may be hard to come by. This is not necessarily a symptom of under-funding. Stable income that gives good opportunities for long-term planning will make secretariats more able to play an active role. We should note that size and high income is not the same as efficient performance. One of the reasons for the mistrust between member states and the UN secretariat is precisely linked to ineffective administration. Many states feel that the UN secretariat is driven by self-interest towards unjustified autonomy and inefficient functioning. In 1994, one page of UN documentation was on average estimated to cost more than US\$900, not including the costs of preparations (Hyvarinen 1999). Thus, too large international bureaucracies may be equally bad as too small secretariats. As we will have more to say about later, in the field of IEAs, most issue-specific secretariats outside the UN system are small, perhaps too small.

Finally, in the case of the increasing number of treaties covering both least-developed countries? (LDCs) and developed countries (DCs), the secretariat must assure credibility across the North-South interests. This may be achieved by regionalization of administrative functions and by reflecting such interests within the staffing profile. Facilitating effective assistance to developing countries in order for them to meet their obligations is an increasingly important function for secretariats within global agreements like the Montreal Protocol, the UNFCCC and the Convention on Biological Diversity (CBD). Such processes are time-consuming and complex, often involving various international and domestic actors.

When joint international commitments are adopted, they have to be implemented by the parties in order to have any effect. Here, secretariats can play a

crucial role in implementation review and assessment. Domestic implementation of international commitment can be defined as the long-term process of converting international commitments into domestic policy goals and behavioral change of target groups, i.e. those actors causing the problem in question. Assessing performance is a complicated task involving data gathering, verification and reporting. A detailed study of eight regional and global environmental agreements conducted by the United States General Accounting Office (GAO), concludes that “international agreements are not well monitored” (GAO 1992). Furthermore, the report holds that secretariats have neither the authority nor the resources to monitor implementation. To the extent that they are actively involved, “[...] they have more of a moral/pointing a warning finger kind of function.” (Andresen 1992) However, there has been significant progress in the field of implementation review since the early 1990s (Victor et al. 1998). Such reviews have also deliberately been increasingly used as a compliance measure by creating transparency and public pressure. Today, some secretariats even expose country reports on their web-pages. For example, the secretariat for the RAMSAR convention on wetlands keeps a high profile on the net. Here, you can find everything from summary records from the latest COP7 and country reports to payment of contributions to the core budget (<http://www.ramsar.org>).

In order to conduct proper implementation reviews, secretariats need, first of all, a legal mandate from the parties. In many cases, such mandates are generally provided for in the treaty texts. Still, reluctant parties with a poor implementation record may obstruct the execution of such mandates. In such situations, secretariats may put pressure on reluctant parties by pointing to the purpose of the treaty. Secondly, reviewing implementation implies – as we have noted – a risk of exposing “laggards”. National representatives in international co-operation tend to have a high opinion of their own country’s performance. If it turns out that the data required reveal unpleasant facts about implementation, the parties may prove reluctant in providing adequate information. This requires a balancing of tact and determination that depends less on the legal mandate of the secretariat than upon the character and abilities of the individuals involved (von Moltke and Young 1995).

The third and most problematic condition is the need for independent verification of the data actually provided. Generally, this crucial point is absent in IEAs, as fulfilling this would require that the members transfer a certain amount of national sovereignty to international secretariats. Except for the EU Commission, secretariats are generally without any supranational authority. This point, however, is going to become more important over time. As regimes mature and commitments get more specific, national data submitted will need some kind of independent verification. This is pertinent within the climate regime, considering the complexity and uncertainty involved regarding various types of emissions. This will be a crucial test whether the international community is willing to take steps to secure more effective regimes in the future. This is certainly not up to the various secretariats to decide, but again they will play a key role as facilitator – if the parties so wish.

Active secretariat: The OSPARCOM regime

The Oslo and Paris Conventions for the protection of the North-East Atlantic were established in the early 1970s, dealing with dumping and incineration at sea and land-based sources respectively. Two executive commissions were set up. Until the late 1980s the Commissions did not manage to produce joint commitments with “teeth”. Most decisions aimed at controlling behavior rather than changing it, due not least to the significantly different interests of the parties.⁴ In short, the parties faced significant political challenges that called for intervention from third parties.

The Conventions were supported by a *joint* and tiny secretariat established in London. It had only one secretary, two deputy secretaries and three clerks. Nevertheless, the secretariat stood up to most of the qualifications needed to act as an entrepreneur in a difficult political situation. First, its relationship with the parties was excellent. All delegates felt that the Secretariat functioned efficiently, especially considering the limited resources available to it. Moreover, they emphasized the importance of a skilled administration in order to make the co-operation work

⁴ For a detailed elaboration of the interests and position of the various parties, see Skjærseth 1999.

(Sætevik 1988, 117). Thus, even though it operated on a limited budget, non-payment and late payment was not a problem. The Parties claimed that the secretariat would probably not have been able to draw up more reports, even with a larger staff, since this work was based largely on information provided by the parties. Although the secretariat operated on a strict mandate, it managed to come up with independent proposals for solutions.

Thus, the tiny Secretariat represented the "engine" of the co-operation in the first decade. One way of measuring the involvement of the Secretariat - and thus its potential to influence the course of actions - is by looking at the number of documents prepared by the Secretariat for the Commission meetings in relation to those prepared by the Contracting Parties and other actors. Although this indicator is too crude to capture the actual integrative role played by the Secretariat as it disregards the content of the documents, it still gives an indication.

Table 3.1 Documents prepared by Paris Commission Secretariat as share of total, 1978-1984

	Total	Secretariat	Share of total
1978	45	33	75%
1980	18	13	72%
1981	11	11	100%
1982	18	13	72%
1983	26	17	65%
1984	30	13	43%

Source: Skjærseth 1999

Table 3.1 shows that the level of involvement of the Secretariat was very high in the first decade as on average, 71% of all documents prepared for the Commission meetings stood in the name of the Secretariat. Formally, the Secretariat operated under quite restrictive formal procedures in terms of political initiatives as the Secretary is the

executive official of the Commissions with responsibility for drawing up budgets, translating, and distributing reports and documents. Still, he (or she) is also to act as Secretary at all meetings of the Commissions and perform any other task remitted by the Commissions or by the Chairman. This opened up for its role as an active mediator in practice. In some cases, the Secretariat came up with compromise proposals based on the parties' preferences. Especially in those cases where the Secretary and the Chairman were able to work closely together, their behavior could promote outputs that would otherwise probably not have materialized. In essence, the OSPARCOM Secretariat fit into the "activist" role, although in a careful mediating manner. Moreover, these observations show that activism is not necessarily linked to size in the sense that very small secretariats may have significant influence.

The Secretariat continued as a bridge-builder in the second decade. The size of the Secretariat almost doubled from the mid 1980s to 11-12 in the 1990s. However, since the scope of the co-operation (and workload) also increased this does not necessarily imply an increase in net-administrative capacity available for integrative activities. In fact, through this way of measuring the level of involvement of the Secretariat in relation to other actors, it decreased somewhat in the second decade. The level of involvement was still considerable, but the average share of documents prepared by the Secretariat was down to 52 per cent (Skjærseth 1999). One important reason was an increase in the amount of documents prepared and presented by new types of actors, not the least NGOs. As the co-operation had matured and was running rather smoothly, in a sense there was less need for a more pro-active Secretariat, although it still played an important role.

Although both the Oslo and Paris Conventions included provisions for reviewing implementation, these provisions were not used until the late 1980s. The Paris Commission did not develop any systematic verification procedures. The monitoring work was aimed at assessing general pollution trends, not whether the parties were meeting their standards. The Secretariat was the driving force in pushing for and developing the new procedures on implementation reporting in the early 1990s.

Interesting from a co-ordination perspective is the more recent *merge* between the Oslo and Paris Convention through the adoption of the new OSPAR Convention

on the Protection of the Northeast Atlantic in 1992. In contrast to the old Paris Convention, the new Convention includes separate articles (22 and 23), dealing exclusively with reporting and compliance. The requirements included in Articles 22 and 23 were immediately brought into operation by the establishment of the Programs and Measures standing working group in 1993 (PRAM). In turn, PRAM developed specific reporting procedures on implementation that were agreed upon at the 1994 OSPARCOM meeting.

In short, the OSPAR Secretariat has played a rather important role in the positive development of the regime. No doubt, co-operation has been facilitated by the homogeneity and relative affluence of the member states. Still, as will be further elaborated below, it indicates that more limited *regional* co-operation, when feasible, may be quite attractive. The next regime, under brief scrutiny, shows that regimes do *not* automatically function effectively when they are outside the UN family.

Cautious Secretariat: The International Whaling Commission

In the same manner as the 'North-Sea regime', the IWC Secretariat is an independent unit with no nesting to the UN or otherwise.⁵ As the IWC turned 50 years in 1998, it is the oldest global resource regime. Although the 1946 Whaling Convention contained provisions for the establishment of a Secretariat, none was established until 1975. However, this was not established as a result of demand by the members, but rather as a result of resolutions adopted at the 1972 Stockholm Conference - illustrating the beginning *links* between regimes. The secretarial functions were formerly taken care of by the UK Agricultural Department through a part-time associate. Fees were largely symbolic "and the IWC budget was operated out of a cigar box", only enough to cover the costs of meetings and a few publications (Andresen forthcoming). This gradually changed after the Secretariat was established. As a result of a strong increase in membership, NGO attendance and not least scientific controversy, an increasing workload was put on a gradually expanding Secretariat.⁶ Considerable shortfall in membership fees did not make things easier. Many of the new members had been

⁵ Links to the UN were discussed in the regime formation phase, but the idea was discarded.

recruited to adopt a moratorium against commercial whaling. However, as they had no material interest in the issue, they frequently failed to pay their contribution. This illustrates that it is usually easier to manage an organization, like PARCOM, where all members have 'real' interests involved. In the early 1990s it was maintained that:

...unlike many other specialized intergovernmental institutions, the IWC has always been a thing to be captured and never an actor in its own right. It has not been able to persuade the commissioners to adopt an "organizational ideology" that would dilute national influences. (Peterson 1992)

In line with some of the thoughts elaborated above, it would be the main challenge of the Secretariat to create such an atmosphere - in the absence of the parties' willingness or ability to do so. As the Secretariat has not been able to do so, it may be tempting to deem it a failure on this account, but considering the extreme *polarization* of the issue, the Secretariat has done its utmost to be as *neutral* as possible. It may be argued that it should have been more of an activist, like the FAO and UNEP, on the issue, but this would probably have broken the regime apart - resulting in competing regimes. Thus, when judging the effectiveness of secretariats, their room for *maneuver* is crucial. Sometimes, the best option is to keep a low profile. Paradoxically, at a time when tens of thousands of large whales were captured, the IWC was managed out of a cigar-box. Now, when catches are negligible, the IWC has grown into a fairly large organization with a professional Secretariat and elaborate scientific procedures - illustrating the growth of international organizations, sometimes irrespective of the functions ascribed to it.

It is fairly straightforward to sum up what functions the secretariats should have and how they score on various dimensions when regimes are as well defined as those above. Things get more complicated, both to describe and evaluate, when we look more closely at the various links existing between some of the broader regimes and the larger UN organizations.

4. Co-operation in a fragmented environment

⁶ In 1998, the Secretarial staff was 15 persons; three professionals and 12 support staff.

Secretariats can also improve the effectiveness of IEAs and create synergies by means of co-ordination and co-operation with other secretariats. The need for close co-operation is obvious: integrated ecosystems are approached by fragmented international management. For example, the success of the FCCC - disregarding linkages to trade issues - is directly conditioned by at least ten other international treaties, while the Convention on Biological Diversity intersects with dozens of international conventions (Kimball 1997, 1999a).

Before going further into this, we should first look at the actual set up of IEAs and associated international organizations. Secondly, we shall ask why this patchy institutional framework has emerged. The last topic is concerned with turf battles and possible solutions.

A patchy institutional framework

What kind of picture emerges when examining the institutional set up of IEAs and associated international organizations? What are their links to the UN system, how many are independent and issue-specific and how are secretariats organized? A more comprehensive answer to this question may be found in some of the many UN documents that have been addressing the question more recently. Here, we will take a more simple approach, using as our point of departure the FNI publication, the *Green Globe Yearbook*, that has given a factual overview of some of the main international environmental agreements since 1992.⁷

If we count the UNEP Regional Seas Programs to include the 9 region-specific Conventions it is composed of, altogether 56 agreements are presented in the last edition.⁸ Of these agreements 15 IEAs are independent of the UN system, such as the North Sea regime and the whaling regime, presented above. Considering the time of their establishment, it is obvious that a main reason many of them are independent of

⁷ The publication has recently changed its name to Yearbook of International Co-operation on Environment and Development.

⁸ Such counting is bound to be difficult as some regimes are linked. The main point here, however, is to portray trends and patterns.

the UN system is that they were established, or the process had already been initiated, prior to the 1972 Stockholm Conference. However, some of the more recent Conventions like the Tropical Timber Convention, seems to be an independent entity. Why these, and some others, deviate from the standard pattern, we do not know. In the latter case one reason may be the dominant interest of Japan on the issue; the Secretariat is also located in Japan - as the only one.

Thus, more than two thirds of the agreements have some kind of relation to the UN system. Some of these links seem very straightforward, like the ones between the four Nuclear Safety Conventions to the *IAEA*, providing Secretarial facilities. The same goes for the relation between the four conventions regulating ship generated pollution and the *IMO*, where the latter provides secretarial facilities. However, it seems less logical that the global 1972 London Dumping Convention has the same institutional link. One probable reason may be the perception of this issue area as a primarily technical one at the time it was established. Later on, the nature of this game has changed considerably and the links to other regimes, like the regional Oslo Convention on Dumping (see above), is much stronger. A third main UN candidate, providing secretarial facilities to six of the conventions listed, is the *ECE*. Although these conventions are more heterogeneous than the ones described above, they have in common the ECE geographical scope; the Europe/North America region. This may suffice to justify this institutional link. The *FAO* has a similar association to two closely associated global conventions, and *UNESCO* is the main host to one of these.⁹ The 1982 UNCLOS has secretarial facilities based directly in the UN through the *Division for Ocean Affairs and the Law of the Sea*. Only two of the 56 conventions presented have no secretary, one of them being the Antarctic Treaty.¹⁰

UNEP has played a key role in establishing many IEAs, one model being represented by the Regional Seas Program, with program co-ordination in Nairobi and regional secretariats spread around. For CITES and CMS there are joint secretariats with UNEP, based in Germany and Switzerland respectively, while the main UNEP Secretariat Nairobi is the base of the Vienna Convention (and the Montreal Protocol).

⁹ UNESCO is also depositary to the RAMSAU Convention.

¹⁰ The sub-regimes, linked to the Antarctic Treaty, however, are equipped with Secretariats.

The Ramsau Convention has links to UNEP, but also to IUCN while the Basel Convention is administered by UNEP but the Secretariat is located in Geneva.

For the two more recent global Conventions, the CDB and the UNFCCC, the Secretariats are based in Montreal and Bonn, respectively. But there are strong bonds to the UN system as well, especially for the CBD, including such actors as the Global Environmental Facility (GEF), (the World Bank), UNEP and UNDP. Thus, in the same manner as with other IEAs linked to the UN system, the financial system is linked to various parts of the UN system. Contributions by state parties are made on a voluntary basis. In short, while some links seem quite straightforward, others are more complex and may, as we shall see later, cause problems of various kinds.

Institutional expansion is easier than co-ordination

The roots beneath the present dense institutional network dates back to the 1972 Stockholm Conference. Few will challenge the positive agenda-setting function of this Conference. As virtually no such institutions existed at the time, the international society needed them as tools to cope with environmental problems. As this was a UN conference and many environmental problems were perceived as either global or at least international, it seemed to make sense to give a main responsibility for this issue area to the UN.¹¹ This came to set the stage for the UN as a key actor, maybe the most important one, in the building of international environmental institutions. This development has taken place from 1972 up to the present day, with UNEP as the main key actor.

UNEP is a true child of the 1972 Conference as the first international organization to be dedicated to environmental protection UNEP should not initiate large programs of its own, it should act as an initiator and coordinator for other organizations. Thus, judged by its formal mandate and role UNEP was to be exactly what is presently called for; an internal and external co-ordinator of IEAs. This

¹¹ We do not know whether this was extensively discussed or whether there was consensus on the issue. Traditionally, the large powers, most notably the US, are less fond of the UN and large global institutions, while this approach, for understandable reasons, is favored by small states and developing countries.

mandate for UNEP was repeated and reinforced both by the World Commission on Development and Environment as well as by Agenda 21 at the 1992 UNCED Conference. In many respects, UNEP has also been very successful, not least in agenda setting and in subsequent environmental treaty making.

More recently however, according to some observers, all is no longer well with UNEP. Implicitly this is also acknowledged by the increasing call for streamlining and co-ordination between IEAs. From our perspective, the following weaknesses identified by Downie and Levy (1999, 403) deserve attention, “[...] the absence of a clear focus and mission [...], problems of location and management difficulties have all contributed to the erosion of UNEP in the international policy making process.” A core problem for UNEP, somewhat paradoxically, is that since it has been so successful in spurring international treaties, the present agenda is so dense that it is no longer able to co-ordinate and manage it.

However, UNEP is not the only actor to be given the credit - or blame - for this development. UNCED may have been more effective in creating new institutions rather than consolidating the positions of the old ones. One of the main newcomers was the Commission on Sustainable Development (CSD). With its broad focus and mandate it has taken over some of the functions of UNEP. It *may* well have been more efficient to try to focus and revitalize UNEP as to build new institutions.¹² But then the international community would not have had a new institution to show for – bearing the ‘correct’ name of the time; (sustainable development). As commonly known, a variety of other UN bodies has assumed an increasing role in the management of the environment, like UNEP, GEF and the World Bank. On the one hand these international organizations/programs are to co-ordinate the growing number of IEAs. On the other hand, it is no small challenge to co-ordinate activities between themselves.

The growth and spread of international institutions points towards a more basic problem of the international society. In much the same manner as various ad hoc committees are frequently established at the domestic level to demonstrate willingness

to act on an issue, the international society has to demonstrate a similar ability to act when new, or nearly new, issues reach the international agenda. Instead of ad hoc committees, new international institutions are created. However, while the former can be fairly easily dissolved, international institutions tend to remain, and often grow, irrespective of real demand for their services or degree of effectiveness. Instead of establishing new institutions at every crossroad, a much more careful analysis is needed *before* new IEAs are established: What is the nature of the problem to be addressed, what relevant institutions exist already, what extra benefits can be derived from a new institution, if any? Few would claim that the UNFCCC is superfluous, but it may well be that the CBD with its many links and overlaps to other institutions, should have had a different structure - or existing institutions could have been merged.

Another reason why institutions continue to pop up may be that many states as well as large industries, may be quite happy that so much political time and energy is used on creating environmental institutions - without much regulatory bite.¹³ This process may be instrumental in keeping environmental bureaucracies and green NGOs busy within fora without much potential to affect the behavior of important target groups. Although Chasek (1997) points out that the accomplishments of the CSD are far from negligible within its relatively short time span, there are key weaknesses as well. While the green NGOs are visible - and often creative and productive - industry and other target groups are not well represented. This indicates that they do not find this forum an important one, in contrast to the climate regime, where they are well represented. Secondly, there have also been problems attracting the high level political segment - often a prerequisite to spur some kind of action. As within other environmental institutions, the Ministry of Environment is most frequently represented. This segment is usually not the politically most influential one Ministries of energy - finance and transport usually have more impact on the crucial implementation phase, but they are usually absent.¹⁴

¹² For a discussion of how UNEP should concentrate its resources and attention, see Downie and Levy 1999.

¹³ It should be noted, however, that the US and the UK opposed the creation of the CSD, maintaining there were enough similar institutions.

¹⁴ The fact that these ministries are now heavily involved in the climate negotiations indicates that this forum is considered an important one - although it may contribute to slow progress.

More generally it is difficult to create effective co-ordinated international institutions, in line with various ecosystems, as long as management systems at the domestic levels tend to be fragmented. The need for more integrated domestic management systems has long been on the agenda of most OECD countries, but progress has been limited. As fragmented approaches dominate domestically, one cannot expect that most states will be pushers for coherent and co-ordinated management systems at the international level. Still, the legal and administrative set-up *within* environmental policy at the national level is by no means as complex as the myriad of IEAs. Accordingly, there is clearly a potential for integration. However, deliberate integration would often require a central international authority with sufficient capacity to integrate IEAs.

Conflicts and solutions

The present complex structure has created certain problems. Just a few will be mentioned. The relationship between UNEP and CBD has been characterized by turf battles and eroding responsibility. The CBD was negotiated under the auspices of UNEP. However, “[...] the early years of the CDB were marked by reports of power struggles between the high command of UNEP and the CBD Secretariat over the degree of authority to be exerted over the Convention.” (Depledge, 1999:7) Part of this conflict appears to have been caused by *personal conflicts* at the top level of the two organizations. Due to a shift of high level staff in both organizations, conflicts have been reduced over time. Still, there seem to be certain conflicts of a more structural nature between the two, linked not least to the location of the Secretariat (Depledge 1999). There have also been conflicts and difficulties between UNEP and the CITES over who is in charge, the upshot being that a former General Secretary of CITES left his position.

More fundamentally, it seems to be somewhat random whether and what type of role UNEP is going to play in relation to IEAs. UNEP did play a role initially in getting the ball rolling regarding a climate regime, but soon lost influence (Agrawala 1999). Thus, although nested in the UN system, the UNFCCC is more independent

than CBD. It may not only be co-ordination that motivates the actions of various IEAs, but rather their relation to various parent UN organs. Thus, it is interesting to note that while the temporary Secretariats for both UNFCCC and the CBD were in Geneva, the permanent Secretariats moved to Bonn and Montreal respectively. The fact that most Secretariats with links to UNEP are located in other places than the UNEP headquarter may in itself indicate a strive for more independence by the Secretariats. Thus, there may be tendencies of increased coordination, but also of more fragmentation.

This being said, we know that such problems are fully realized within the UN system and a number of measures are being prepared to deal with them.¹⁵ Memorandums of Understanding are elaborated between the various institutions, inter-secretarial meetings are being held, increasing co-location between secretariats is being discussed and representatives of various secretariats are routinely represented at the meetings of relevant regimes. This is important and the process started should be supported.

In our perspective, this is an essential *repair strategy*. Ideally, looking at the existing system, a more *offensive* strategy is needed. At least to some extent the existing system seems quite random. There has been no ‘master plan’ or chief organizing device from the top when new institutions have been established. Thus, a fundamental review and evaluation of the process of establishing IEAs and how to organize their work is needed. In essence, we need some combination of a “bottom up” and “top down” approach. Questions that should be asked are: Why should some IEAs be outside the UN system? Should some of them be moved into the UN system or should others be separated from the UN? What role should UNEP have and what role should other UN organizations have in this process? Not least, a critical view should be taken towards the establishment of new institutions. Moreover, in this process, the abolishment and merging of existing institutions should be considered equally or more favourably than creating new ones. Note that this is an *ideal* strategy. In the probable absence of consensus on such a strategy in the UN system, however, the present repair strategy seems more likely to continue.

¹⁵ For an overview of some of the most important initiatives and processes, see Kimball 1999.

5. Concluding remarks: A tentative evaluation

Recalling our analytical perspective, the secretariats of IEAs cannot be expected to explain much of their effectiveness; others factors are much more powerful. When efforts of the international community are discussed with a view to rendering IEAs more effective, this sobering perspective should be kept in mind. Still, well functioning secretariats can, under favorable conditions, make a difference. When there are good relations between secretariats and member-states, when there is a clear mandate to act, and when they have sufficient funding, secretariats may promote outputs that would otherwise probably not have materialized.

Perhaps the main challenge to increase the effectiveness of IEAs today is to improve *domestic implementation* efforts. Here, secretariats can contribute by means of data gathering and verification in the field of implementation reviews. Moreover, some secretariats use their web-pages to increase transparency. Although the issue of overlapping regimes and the call for better institutional co-ordination is a challenge for policy-makers and academics alike, it should not be allowed to distract attention from this fact. In the final end, even smoothly running international efforts have limited value unless they ultimately have behavioral consequences. Thus, as Chasek (1997, 15) reminds us regarding the CSD, we should always keep in mind whether, “[...] it is having an impact outside the UN basement.”

Still, in contrast to the problem at hand, secretariats are organizations that may be shaped and this makes it important to focus on their design. In this perspective the life of the, often more confined, regimes outside the UN is often relatively simple. The core of the relationship is between the parties and the secretariats - but links to relevant regimes are usually also established. The secretariats are usually small, comprising some 5-10 persons, including professionals and support staff. A sense of closeness and mutual responsibility may be created by the fact that the functioning of regimes usually depends on direct contribution from the members. Moreover, the regimes are less

vulnerable to the uncertain financial situation of the UN.¹⁶ Finally, the mistrust by some key members towards parts of the UN bureaucracy is avoided by choosing the more independent approaches. Thus, as a point of departure, this ‘small is beautiful’ model - outside the UN - may have certain merits. It also squares well with the call for increased weight on the regional management model (Kimball 1999b). As she has pointed out, few environmental problems are truly global; most of them are regional, or they can easily be decomposed and managed regionally.

The various UN approach(es) certainly have merits too; not least by giving the regimes access to large professional staff with considerable expertise and financial resources. Some of the newer global convention secretariats (UNFCCC and CDB) have considerably larger staffs compared to the model outlined above. Still, this is nothing compared to the organizations within the UN system with hundreds or thousands of staff members. Clearly, complex global problems with a majority of developing countries needing assistance to comply with their commitments need help from bodies like GEF and the World Bank. Still, when so many actors are involved, turf battles and eroding responsibility may result. Our main point in this regard, however, is that a more offensive and holistic advance planning is needed when institutions are established in order to avoid a costly and time-consuming repair strategy.

References

Agrawala, Shardul, 1999. “Early science-policy interactions in climate change: lessons from the Advisory Group on Greenhouse Gases”, *Global Environmental Change*, 9(2), 1999:157-169. .

¹⁶ Problems in this connection have been noted in relation to the link between LRTAP and ECE. (Wettestad 1999) The system of voluntary contributions has also created financial difficulties for the CBD.

Andresen, Steinar. 1992. "International Verification in Practice: A Brief Account of Experiences from Relevant International Cooperative Measures." In *Achieving Environmental Goals: The Concept and Practice of Environmental Performance Review*, ed. Erik Lykke, 101-21. London: Belhaven Press.

----. Forthcoming. "The Whaling Regime: Good Institutions but Bad Politics?" In *Towards a Sustainable Whaling Regime*, ed. Robert L. Friedheim. Kluwer International.

Andresen, Steinar and Jørgen Wettstad, "International Problem-solving Effectiveness. The Oslo Project so far." *International Environmental Affairs*, Vol.7, No.2, Spring:127-149.

Chasek, Pamela, 1997. "The United Nations Commission on Sustainable Development: The First Five Years." Paper presented at the United Nations University Conference, The United Nations and the Global Environment in the 21st Century: From Common Challenges to Shared Responsibilities. Forthcoming in Chasek, Pamela, (ed.), *The Global Environment in the 21st Century: Prospects for International Cooperation*, Tokyo: UNU Press (forthcoming 1999).

Cortell, Andrew P. and James W. Davis jr. 1996. "How do International Institutions Matter? The Domestic Impact of International Rules and Norms." *International Studies Quarterly* 40(4):451-78.

Depledge, Joanna. 1999. "Negotiating Breakdown: The Cartagena Biosafety Protocol Draft." Draft, London: University College London.

Downie, David and Marc A. Levy. 1999. "The United Nations Environmental Programme at a Turning Point: Options for Change", Forthcoming in Chasek Pamela, (ed.), *The Global Environment in the 21st Century: Prospects for International Cooperation*. Tokyo: UNU Press (forthcoming 1999): 403-429.

Hyvarinen, Joy, 1999. "Strengthening Multilateral Environmental Agreements and Institutions: National Government Strategies in International in International For a as a Key Factor." Paper prepared for the FIELD Concluding Workshop for the Project to Enhance Policy Making Capacity under the FCCC and the Kyoto Protocol, London, 17-18 March 1999. Publication by FIELD forthcoming.

Kimball, Lee A. 1997. "Institutional Linkages Between the Convention on Biological Diversity and Other International Conventions." *RECIEL* 6(3):239-48.

----. 1999a. "Linkages in International Environmental Governance: How to Advance a Systematic Analysis of the Institutional Implications of Climate Change." Paper prepared for the FIELD Concluding Workshop for the Project to Enhance Policy Making Capacity under the FCCC and the Kyoto Protocol, London, 17-18 March 1999. Publication by FIELD forthcoming.

----. 1999 b. "International Environmental Governance: A Regional Emphasis on Structured Linkages among Conventions and Intergovernmental Organizations." *Translex* April: 6-10.

Peterson, M.J, 1992, "Whalers, cetologists, environmentalists, and the international management of whaling, *International Organization* 46,1, Winter 1992:147-185.

Sandford, Rosemary. 1992. "Secretariats and International Environmental Negotiations: Two New Models." In *International Environmental Treaty Making*, eds. Lawrence E. Susskind, Eric Jay Dolin and J. William Breslin, Cambridge, MA: Harvard Law School.

----. 1994. "International Environmental Treaty Secretariats: Stage-Hands or Actors?" In *Green Globe Yearbook 1994*, eds. Helge Ole Bergesen and Georg Parmann, 15-29. Oxford: Oxford University Press.

Skjærseth, Jon Birger. 1999. *The Making and Implementation of North Sea Pollution Commitments: Institutions, Rationality and Norms*. Oslo: Department of Political Science, University of Oslo; Akademika AS, Norway..

The Stanley Foundation 1997.

Sætevik, Sunneva. 1988. *Environmental Cooperation between the North Sea States: Success or Failure?* London; New York: Belhaven Press.

Underdal, Arild. 1990. "Negotiating Effective Solutions: The Art and Science of 'Political Engineering'." Second Draft, Oslo: Department of Political Science, University of Oslo.

----. 1992. "The Concept of Regime 'Effectiveness'." *Cooperation and Conflict* (27)3:227-40.

United States General Accounting Office (GAO, 1992), "International Environment International Agreements Are Not Well Monitored", GAO/RCED-92-43.

Victor, David G., Kal Raustiala, and Eugene B. Skolnikoff, eds. 1998. *The Implementation and Effectiveness of International Environmental Commitments: Theory and Practice*. Laxenburg, Austria: International Institute for Applied Systems Analysis; Cambridge, MA; London, UK: The MIT Press.

Von Moltke, Konrad and Oran R. Young. 1995. "International Secretariats." Background paper for the Workshop at the Rockefeller Brothers Conference Center, Pocantico, NY, 15-18 June 1995.

Wettestad, Jørgen. 1999. *Designing Effective Environmental Regimes: The Key Conditions*. Cheltenham, UK; Northampton, MA: Edward Elgar.

Young, Oran R. and Konrad von Moltke. 1994. "The Consequences of International Environmental Regimes: Report from the Barcelona Workshop." *International Environmental Affairs* 6(4):348-70.