SECRETARIATS AS CATALYSTS:
A COMPARATIVE STUDY OF THE INFLUENCE OF GLOBAL ENVIRONMENTAL TREATY SECRETARIATS ON TREATY IMPLEMENTATION

by

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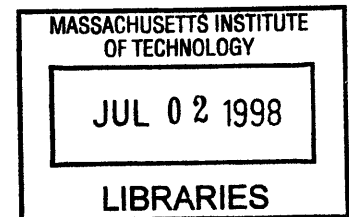M. Env. Studies, University of Tasmania, Australia (1989)

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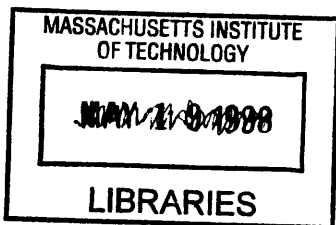All Rights Reserved

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Introduction

This study analyses the roles performed by the secretariats of global environmental treaties or conventions in carrying out their treaty implementation tasks, and the influence that these international organizations exert on the outcomes of multilateral agreements.

Achieving the objectives of international environmental treaties is less a problem of treaty negotiation than of treaty implementation. Implementation has been the forgotten stage of international treaty making, and the treaty secretariat as the organizational actor responsible for implementation coordination and management, has been overlooked as a significant actor in studies of treaty effectiveness. Yet management of the processes and problems of treaty implementation determines the success or otherwise of the original treaty negotiations. While it may take several years to negotiate and ratify a treaty, it can take generations to ensure that a treaty is implemented and the desired policy effects are achieved.

The central research objective of this study is to demonstrate that activist international treaty secretariats, as the international organizations (IOs) responsible for assisting governments to manage and implement a global environmental agreement, treaty or convention, exert more influence on international public policy outcomes that has been either understood or acknowledged to date. Secretariat influence may be either positive or negative. That is, it may enhance the achievement of treaty objectives, or it may obstruct their achievement. My research aims to show that secretariats exert influence through the performance of their policy implementation tasks, and the ways in which they interpret and carry out their primary role of network manager of the treaty system.

I am particularly interested in the approaches that secretariats use to avoid and manage conflicts and to resolve disputes that occur during implementation, and I focus on the kinds of conflicts that occur during the

performance of three key secretariat tasks. These tasks are: (i) oversight of national reporting and performance review; (ii) the provision of assistance to developing countries; and, (iii) working with non-state actors such as non-governmental organizations (NGOs), to monitor compliance. My interest in the conflict management capabilities of secretariats, arises from my earlier empirical research on these organizations which appeared to indicate that secretariats have the potential to play key roles in the prevention and management of conflicts and in the resolution of disputes that arise among treaty stakeholders.

I seek to answer the following questions:

1. How do global environmental treaty secretariats go about meeting their key substantive tasks of: overseeing national reporting and performance review; providing financial, expert, administrative and other assistance to developing countries (capacity building); and working with non-state actors to monitor national compliance ?

2. What obstacles have global environmental treaty secretariats experienced in attempting to meet their assigned responsibilities ?

3. Specifically, why have these obstacles to treaty implementation emerged?

4. How have secretariats tried to handle these obstacles ?

5. What can we say 'in general' about the influence that global treaty secretariats have had on treaty outcomes? What are the most important roles they play?

6. In practice, how might the roles of treaty secretariats be enhanced to maximize their positive effect on treaty implementation?

My results explain how and why environmental treaty secretariats exert influence on stakeholder behavior and implementation outcomes. I identify the obstacles that treaty secretariats face in performing their tasks as network

managers, and I suggest how they might deal with such challenges. This study enables me to make recommendations about the ways in which the organizational capacity of international treaty secretariats might be enhanced to positively influence treaty outcomes, to minimize implementation problems, and to manage those that do occur.

The theoretical and methodological issues will be addressed in two introductory chapters. This chapter identifies the research problem and examines the significance of secretariats as international organizations in the global environmental policy process as identified by myself and other scholars. The key terms used, and the contributions of my study to advancing the theoretical frontier are also outlined. The final sections of this chapter explain the research approach including the boundaries and limitations of the study, case selection, data collection, results, and the structure of the dissertation. Chapter 2 outlines how I have adapted and applied a theoretical framework from interorganizational theory as the most useful approach to an interdisciplinary study such as this one.

Statement Of Problem

The majority of global environmental accords are supported by treaty secretariats - intergovernmental organizations created by the signatories and staffed primarily by international civil servants. The purpose of a secretariat is to assist the parties to meet the terms of the accord. Yet the significance of environmental convention secretariats as organizational actors in international policy implementation, and their potential to influence the outcomes of international agreements, have been overlooked as a focus in scholarship.

In research carried out between 1991 and 1994, I found no evidence in international law, political science, organization theory or public administration, that global environmental treaty secretariats played important roles in treaty implementation (Sandford, 1992;1994), although some consideration had been given to the role of secretariats in international, environmental pre-negotiation and negotiation processes (Susskind and Babbitt, 1992; Sjostedt, 1993; Rubin, 1993; Susskind, 1994).

I take this to mean two things. First, the focus of international attention in recent years has been on treaty negotiation not on treaty implementation. This is understandable as scholars and politicians alike, prepared for the signing of several global environmental treaties at UNCED (The United Nations Conference on Environment and Development) in 1992. Second, treaty implementation lacks the public appeal of treaty negotiation, which is frequently a high-profile, political process that attracts considerable media coverage. In contrast, implementation is a long and arduous process carried out primarily by international and national civil servants away from the limelight of the initial negotiations; implementation outcomes are often not apparent for many years; and as mentioned, scholars have not viewed secretariats as significant units of analysis.

As Thomas Weiss (1975) suggests, the secretariats of international institutions are stable elements in changing international systems; they have been formally assigned tasks to improve global interests; and they have been significant forces in international affairs, hence they are an important analytical focus. McLaren (1980), Pitt and Weiss (1986), Beigbeder (1988), Mourtizen (1990) and Jonsson (1986;1993), all support Weiss' view about the analytical significance of secretariats, although their perspectives on, and reasons for, the significance of these organizations, vary.

In his comparative study of what international secretariats do, McLaren (1980) studied five large, United Nations Specialized Agencies-IMCO (Inter-governmental Maritime Consultative Organization), ICAO (International Civil Aviation Organization), ITU (International Telecommunication Union), UPU (Universal Postal Union) and WMO (World Meteorological Organization). He concluded that international secretariats that are not program-oriented (as distinct from having a solely administrative function), do not have a significant policy-making role in the policy processes of their organizations. Second, the findings of policy making concerning the secretariats of national governments are not applicable to the secretariats of international organizations as their constitutional basis and their ability to impose legal sanctions, differ. For example, few international secretariats have enforcement sanctions. Third, there are four factors that determine a

secretariat's role and that need to be considered before a secretariat can be assumed to have a policy-making effect. They are: the size of the secretariat; the expertise of the politicians of member governments; whether or not the secretariat has executive or implementation functions in the post-decision stage; and the personalities of the secretariat officials.

McLaren's focus is policy-making, not implementation. In selecting the parameters of his study, he made a clear distinction between policy-making, and implementation and enforcement. Nor did he actually study the personalities of the officials, commenting that while the personality of the top secretariat official may be the key to the international organization, to study personalities "adds little to an objective study of international organizations" (McLaren, 1980: 137). McLaren's view is contra-indicated by recent studies of the role of leadership in international regimes and by the numerous memoirs of former Secretaries-General of the U.N. Secretariat (Cox, 1969; Young, 1991; Hall, 1994). These works clearly indicate that leadership roles and styles can significantly influence policy outcomes, especially in conflict situations

Pitt and Weiss (1986: xi) comment,

> There have been historical investigations and a few internal studies about the effectiveness of international administration. However, there have been too few critical case studies of international secretariats accompanied by theoretical efforts to determine the relevance of international bureaucracies as presently constituted for future UN programming.

The Pitt and Weiss book is an attempt to fill this void. As with McLaren (1980), the case studies used in Pitt and Weiss are of the secretariats of large, U.N. agencies, UNESCO (United Nations Educational, Scientific and Cultural Organization), WHO (World Health Organization), FAO (Food and Agricultural Organization), ILO (International Labour Organization) and UNCTAD (United Nations Conference on Trade and Development), and the research focus remains on the inner workings of these organizations. A difference between McLaren and Pitt and Weiss, apart from case study selection, is that the emphasis in Pitt and Weiss is on how secretariats provide assistance to developing countries. Pitt and Weiss conclude that the international career civil service must be reformed so that it can deal more

effectively with the needs of developing countries which are emerging as an increasingly powerful constituency in UN politics.

Beigbeder's (1988) book was written in response to what he saw as threats to the international civil service emanating mostly "from conservative American circles who question the need for UN organizations; challenge their programs; criticize their budgets and management; and expose their bloated, overpaid ineffective bureaucracies" (1988:2). In 1986, the UN General Assembly (in response to such criticisms) agreed to a staffing reduction in U.N. organizations. Beigbeder endeavored to show that innovations in recruiting, staffing and leadership policies and practices were needed if the modern day international civil service was to face the constraints and pressures of the 1980s and beyond. In his words, "The traditional international civil service is now being challenged: in order to survive, grow, and tackle new tasks, it needs to adjust to new realities, to accept new modalities, to change threats into opportunities"(1988:179).

In contrast with the intraorganizational foci of the previous authors, Jonsson's (1986;1993) interest is in interorganizational networks - their structure, actors and interactions - in which international organizations, including secretariats, operate in carrying out their tasks. As Jonsson (1993:9) notes,

> The basic premise of realism - that states are the most powerful actors in international politics by virtue of their military might - has led us to underestimate the power of international civil servants,..........especially in issue-areas (such as the environment) where information is a more important resource than brute force.

He comments further, that secretariat leverage is often enhanced by the interagency mobility and networking of its staff, for example, where "in-and-outers", that is, secretariat members with the fixed-term contracts, go back and serve in the national bureaucracies of member states (Jacobson, 1984:90). In this way, they indirectly contribute to representing the interests of international organizations in national policy-making processes. These comments are directly applicable to the secretariats of environmental accords which are responsible for directing information and communication flows in the treaty system; employ "in-and-outers"; and which network extensively

with the parties and their national bureaucracies as well as with environmental NGOs, professional associations of experts, including scientists, and industry.

Yet despite their significance, secretariats have been overlooked by scholars as important organizational actors in policy implementation. This failure to address the phenomenon of the secretariat in international public policy, defies what Mouritzen (1990:133) cites as two primary reasons to study international civil services such as secretariats. They exert an influence of their own, even where the odds are most unfavorable; and if they are to function as more creative international institutions, then we must be able to prescribe reforms for them. Mouritzen argues that even if secretariat influences are modest at present, if developments in international politics provide increased freedom of manoeuvre for such organizations, then this freedom will increase the opportunities for them to exert influence in policy matters.

Jonsson (1993) appears to support Mouritzen's argument that secretariat influence has the potential to increase. He suggests that global challenges which require international collaboration such as protection of the environment and human rights, and AIDS (Auto Immune Deficiency Syndrome), seem to be receiving increased attention, and that renewed hopes are attached to international organizations regionally and globally to promote and facilitate international cooperation. In such a climate Mouritzen and Jonsson argue, and I agree, there is all the more reason to try to understand how, and under what conditions, secretariats influence treaty outcomes.

Findings from my recent interviews with the Executive Heads and professional staff in seven international environmental treaty secretariats support two general conclusions. First, some multilateral environmental treaty systems experience significant conflicts which hinder treaty implementation. For example, disagreements among governments, scientists and policy makers over the interpretation of new scientific data; differences regarding how the monitoring of results should be undertaken and by whom; and decisions about how to get countries to comply with treaty implementation requirements. These issues are all quite controversial.

Second, activist environmental treaty secretariats have the potential to positively influence treaty implementation at both the international and the national level (Sandford, 1994), by providing expert advice and direct assistance to the parties on how to meet their treaty reporting commitments; by working with governments, NGOs and the media to promote public awareness of treaty aims and processes; and by building alliances with international NGOs and their domestic counterparts, to monitor compliance in a country.

The Significance Of Global Environmental Treaty Secretariats

Most global treaties, including environmental treaties, are supported by secretariats. For example, the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and the General Agreement on Tariffs and Trade (GATT) have secretariats, as has the 1993 Chemical Weapons Convention (Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction). Unlike environmental treaty secretariats, these secretariats have large budgets and many staff. For example, the Chemical Weapons Convention has planned for a staff of several hundred and an annual budget upwards of $US100 million (Chayes and Chayes, 1995). In contrast, the CITES Secretariat, the largest environmental treaty secretariat, had 11 professional and 11 support staff and an annual core budget of $US 500,000 for 1992-94 (Green Globe Yearbook, 1994).

There has been a significant increase in the number of international environmental treaties signed in the past 20 years. As Jacobson and Brown Weiss (1994) comment, before the United Nations Conference on the Human Environment (UNCHE) in 1972, there were only a few dozen multilateral treaties dealing with environmental issues. By 1992 there were more than 900 international legal instruments (mostly binding) which were either fully directed to environmental protection or had more than one provision addressing the issue. According to Jacobson and Brown Weiss (1994), the need for international treaties to protect the global environment will continue and is likely to accelerate .

On the other hand, some national and global media report (The Times Magazine, 1994; The Weekend Australian, August, 1994), that the enthusiasm for environmental protection that gave rise to UNCED is abating, and membership of environmental NGOs such as the Wilderness Society and Greenpeace, is declining in many of the developed countries which so actively supported the UNCED negotiations.

Whether the demand for environmental treaties continues, or whether it declines, the services of secretariats will still be required. In both cases they will be required to monitor national performance (including stimulating national responses) and compliance, to assist developing countries, and to work with NGOs. In the first scenario, as now, they will continue to assist countries to meet their treaty commitments. In the second scenario, they will have an additional responsibility - to ensure that any diminishing support for environmental protection does not erode the conservation gains achieved to date.

Secretariats are lynch-pin (also known as linking pin) organizations. They direct information flows, smooth communications, and oversee implementation. Their professional staffs, including their Executive Head, are boundary-spanners (also known as boundary-role personnel). That is, they are the personnel who formally and informally link the organization to the treaty parties, industry, NGOs and other treaty interests, through either information processing or external representation (Roos & Starke, 1981 in Jonsson, 1992). Boundary-spanners rarely have formal authority. As a result, they have to rely on more informal means of influence such as expertise and personal friendship (Organ, 1971), and they must use bargaining and negotiation skills to get things done (Jonsson, 1986; 1987; 1993). As lynch-pin organizations, secretariats are thus important instruments of policy implementation.

As boundary-spanners, the professional staff of secretariats must often deal with implementation conflicts. If the staff of secretariats have well developed liaison and communication skills, as well as extensive formal and informal international networks of governmental, NGO, scientific, technical and bureaucratic stakeholders who have an interest (a stake) in the outcomes of a treaty, then they are in a prime position to act as intermediaries. These

personnel are also expected to facilitate consensus-building and problem-solving among stakeholders (Sandford, 1994). For example, in disagreements among the parties over the development of reporting guidelines, secretariat personnel act as intermediaries to help the parties reach agreement. In addition, the Executive Head or his/her delegate, may chair meetings to resolve problems on the need for financial assistance to specific countries, as happened between developed and developing countries in the Montreal Protocol. (Pers. Com. Montreal Protocol Sec, 1993)

Environmental treaty secretariats are unique in the family of international bureaucracies. Unlike the large, well-equipped secretariats of the NPT and the GATT, environmental treaty secretariats are typically small and have few resources. However, recently established (and future) secretariats can learn from these differences. In many cases environmental secretariats have developed innovative strategies to overcome organizational constraints and to assist the parties to meet their treaty responsibilities. In 1995, the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) had a total of 22 professional and administrative staff to service 125 treaty parties, yet it has been regarded as the most activist and perhaps the most effective international environmental treaty secretariat (Trexler, 1989; Young, 1993). An example of an activist initiative undertaken by the CITES Secretariat is the development and coordination of regional training programs among selected bureaucracies from several countries in a bioregion such as South East Asia or the NeoTropics. These bureaucracies are responsible for treaty implementation at the national level. The objectives of the training programs are twofold. First, to build understanding and cooperation among countries in a bioregion and thus encourage regional compliance. Second, to educate national bureaucracies about CITES reporting and compliance requirements and processes. These bureaucracies often compete for in-country resources and political support and CITES' objectives tend to get lost in the melee. By providing financial and administrative support, and expert input to training workshops, scientific management authorities and enforcement agencies, come to understand each others responsibilities in treaty reporting and compliance. In this way the CITES secretariat performs an active role as a bridge-builder, educator, and conflict manager.

Thus, scale may not necessarily limit effectiveness. A small secretariat is less conspicuous and poses less of a threat to national autonomy. Small secretariats can also be encouraged to use organizational development strategies such as: the multiskilling of personnel; the use of personnel secondments from national bureaucracies and NGOs; the formation of institutional linkages with a wide range of NGO stakeholders to off-set the limitations of resource dependence on governments; and, the creative use of conflict management strategies.

In 1995, the Ramsar secretariat, known as the Ramsar Bureau, had a total 10 professional and administrative staff to provide support to 85 parties. To meet this challenge, the Bureau operates as a closely-knit team with professional staff substituting for one another as necessary. Each professional is an expert in his/her own discipline, for, example, biology or law. In addition, each Bureau official has developed a range of interdisciplinary skills which is essential in the tasks s/he performs. Each professional officer is also responsible for overseeing implementation initiatives in a bioregion. This includes visiting countries in the region to discuss problems they might be experiencing in meeting their commitments; and providing direct assistance, both financial and advisory, to help them formulate regulations and incentive schemes to achieve compliance. Networking with parties, non-parties and NGOs to increase understanding of Ramsar objectives and requirements, and to encourage non-parties to become members of Ramsar is another task, as is the promotion of greater regional cooperation in Ramsar implementation.

Personnel secondments are yet another strategy used by secretariats such as the Ramsar Bureau to supplement their limited staffing resources. Short-term secondees, that is contract personnel from national bureaucracies and NGOs, are used to work on specific tasks such as compiling the Ramsar Convention Implementation Manual; coordinating educational programs; and providing expert advice for field projects .

I am sure that there are lessons to be learned from the relative success of global environmental treaty secretariats that are transferable to the secretariats

of other treaty systems such as those of human rights, trade and arms control, as well as to the new 'batch' of global environmental conventions whose permanent secretariats come on-line over the next few years.

These new United Nations conventions are: the 1992 Framework Convention on Climate Change (FCCC); the 1992 Convention on Biological Diversity (CBD); and the 1992 United Nations Convention to Combat Desertification (CCD). They face special problems of scientific uncertainty, issue complexity and problem definition, especially the climate change and biodiversity treaties where the science is less precise than in desertification. Implementation of these treaties will be even more difficult than it has been for the three I have been studying. Over the past 20 years, the competing global pressures of population growth, economic development and environmental protection have increased. Now it seems, these pressures are being compounded by an increased reluctance by some governments to commit resources for conservation (Sandford, 1994).

Locating The Theoretical Frontier: Literature Overview

Disciplinary-based literature necessarily constitutes the starting point of an interdisciplinary adventure such as this one. I have identified seven fields relevant to my study. They are: international law; international relations (including regime theory and the study of international organizations); organization theory and strategic management; public policy implementation; public sector management, (which is distinguished from, and contrasted with national public administration); negotiation and dispute resolution. From this literature I identified four themes of relevance to my research. I was also able to identify a number of reasons why each of these bodies of scholarship is individually inadequate to provide a framework or lens for an interdisciplinary study such as mine. The challenge has been to develop from this vast body of work, a lens that will shed a new or a different light on the subject of global treaty secretariats, so that the activities, roles and influence of future secretariats can be gauged and predicted.

The key themes that I have identified from my literature review and which locate the current theoretical frontier are:

(i) International environmental treaty regimes are the legal and institutional building blocks of international cooperation and sustainable development. They provide the framework within which international organizations operate in their implementation of treaty policy decisions. As agents of the treaty decision makers, IOs obtain their legitimacy, authority and influence from their legal mandate, their institutional location, and the roles they play in the treaty system.

(ii) Treaty implementation is perhaps the most difficult stage of international public policy decision making. Implementation is the stage of the policy making process, be it national or international, where policies are put into action, and where the success of a policy initiative is ultimately evaluated. Research on the effectiveness of international environmental treaties has traditionally concentrated on how to get governments to meet their treaty obligations (Chayes and Chayes, 1991; Haas, Keohane and Levy, 1993; Young and Osherenko, 1993; Jacobson and Brown Weiss, 1994; Keohane, 1995; Chayes and Chayes, 1995). What has been virtually neglected in the literature is an analysis of the roles of secretariats in assisting governments in this process.

(iii) As the lynch-pin organization of treaty system, secretariats have institutional legitimacy, limited authority, professional expertise, and extensive, and often influential, global networks and interorganizational relationships. Of particular significance is the secretariat as the institutional memory of the treaty system (Pitt and Weiss, 1986; Jonsson, 1986; 1993; Mouritzen, 1990; Sandford, 1994).

(iv) Secretariats are led and staffed primarily by international civil servants. The international civil service is acknowledged as being significantly different from national civil cervices and thus warrants study in its own right (McLaren 1980; Mouritzen 1990). However, in an extensive survey of international organization and public administration literature and research, Robert McLaren (1980) commented on the virtual absence of any form of empirical evidence about the international secretariat as an actor in international affairs. McLaren (1980), Jonsson (1986) and Mouritzen (1990) all identify the need for additional empirical data on the roles, creativity and

influence of the international civil services of international organizations, as in their opinion, the current international trend is for these organizations to increase in number and strength over the next decade or so.

(v) The professional staff of secretariats are in a prime position to use their roles as boundary-spanners in treaty implementation to influence international cooperation and harmony. Literature in the areas of international relations, organization theory, negotiation and mediation has been virtually silent on the interface between organization structures, influence and the roles of organizational actors as intermediaries in treaty implementation (Babbitt, 1989; Kolb and Faure, 1994). As organizational actors, bureaucracies such as secretariats are not neutral, but neither is any intermediary. Most mediation theory is built on the premise that mediators must be 'neutral' in order to be acceptable. That is, the mediator does not impose his/her values, norms or interests on the participants. But practice regularly contradicts this axiom (Faure, 1989; Babbitt, 1989; Susskind, 1994). For example, Kolb and Spalter (1989) and Kolb (1994) document many cases in which the acceptability of the mediators is enhanced specifically because they are not neutral. As Susskind and Babbitt (1992) note, the key is finding someone the parties believe can assist them and in whom they have confidence.

There is still very little empirical information on international secretariats as 'neutrals', with the exception of the United Nations Secretariat (Skjelsbaek 1991; Susskind and Babbitt, 1992). To date, I have found no empirical data on the roles and influence of environmental treaty secretariats as 'neutrals' in treaty implementation conflicts, although as mentioned previously, some consideration has been given to the role of secretariats in international, environmental negotiation processes.

Theoretical Inadequacies

The above literary streams provide insights but are fundamentally inadequate for my research purposes as they individually and collectively reflect a theoretical tendency to explain the world as they would like it to be, rather than as it actually is in practice. These streams thus fall short in their abilities

to explain the specifics of IO operations and influence, limited as they all are by their disciplinary blinders.

International law (IL) creates and focuses on the formal structures, processes and procedures of a treaty system, the skeleton of the system. However it neglects the people, the informal processes and the networks. It is the interactions of these elements that put the flesh on the bones of a treaty system, that make it work or not work. Legal assemblages alone are insufficient to explain how and why treaties and their secretariats work in practice. As discussed in detail in subsequent chapters, international and national law is ponderous, reactive, and cannot keep pace with the rapidly changing world which secretariats must navigate to survive.

In international relations (IR), regime theory is similarly inadequate for my purposes because of its insistence on focusing on nation states and to a lesser extent on NGOs, as if they were they only actors of note in treaty systems. IR tends to be preoccupied with formal power, authority and control and seems reluctant to acknowledge or concede, that with increased globalization and interdependence of international and national political and market systems, formality is being steadily supplemented (even replaced), by informal interactions of growing significance. While regime theory provides some useful explanations of interactions among institutional actors, it neglects the *informal* interactions and processes that make up a significant proportion of treaty implementation activities and that are major contributors to treaty success.

In the study of IOs, under the rubric of IR, attention has been focused on the large IOs of UN programs such as FAO, UNEP and UNESCO and the UN Secretariat, the latter being the subject of numerous internal and external studies of efficiency and effectiveness. To my knowledge, there have been no studies of treaty secretariats, and it cannot be assumed that the findings from studies of these larger IOs are transferable to treaty secretariats. There are huge differences of scale, resources, formal authority and power, tasks and management style.

Organization theory sheds light on the internal workings, the intraorganizationl aspects and dynamics of organizations including treaty secretariats, but goes little further. Organizational theory is limited for my purposes by its historical origins in studies of private sector organizations. Here, an organization's relationship with its external environment (especially its resource-dependence or independence) is relatively obvious and clear cut, as the stakeholders are fewer and known, unlike the field of international public sector relations.

Network analysis and strategic management which also have their intellectual origins in organization theory, have been adapted by a number of scholars (Gage and Mandell, 1990; O'Toole, 1990; Hanf and O'Toole, 1992) for application in domestic intergovernmental management in the USA. However, with the exception of Jonsson's work (1986; 1987; 1993), I am not aware of other scholars who have endeavoured to apply these concepts to the analysis of IOs.

Public policy implementation literature has been a useful source of information on models, 'top-down', 'bottom-up' and 'mixed' (Mazmanian and Sabatier, 1989; Elmore, 1979; Sabatier, 1986) for understanding implementation as applied to US domestic public policy implementation. Research and writings on US public policy implementation have flourished in the USA since the 1970s (Pressman and Wildavsky, 1973; Bardach, 1974) and more recently Mazmanian and Sabatier (1989).

In the late 1990s policy implementation seems to be enjoying a resurgence, having been transformed to some extent into 'intergovernmental management' by scholars with home bases in organization theory and most recently, interorganizational theory. This later group of scholars, seems relatively unaware of the earlier classical works mentioned, as they come from different disciplinary bases. Members of the earlier group tend to come from the perspective of critics of existing state and national implementation regimes who want to change the public sector management system to achieve a greater degree of social justice for the public good.

On the other hand, the 'intergovernmental management group' of the 1980s and 1990s with a background in organizational theory/strategic management, appear primarily concerned with achieving more efficient public sector management (program delivery) among multiple levels of government, and they include examples of public policy implementation as case studies.

The boundaries of the body of literature that is variously described as public sector management, intergovernmental management, national public sector administration, and international public administration/management, are confused at best. Except for the obvious distinction between the national and international dimensions, it appears that scholars in these fields are talking more or less about similar issues and concerns. There also appears to be some disagreement over the use of language, with 'administration' being overtaken by 'management', as the preferred term, although they are historically and strictly speaking different concepts. However, I surmise that 'management' may be the currently preferred term as it gives organizations more 'room to move' in interpreting their responsibilities and performing their functions than does the older and more restrictive concept of 'administration'. The gist of all these literatures is their concern about how to manage intergovernmental initiatives; how deal with competing governmental priorities and policies; how to manage resource dependency and resource constraints; and, how to survive and grow as organizations. As with organization and strategic management theories, this wedge of literature is sector focused. It is inclined to concentrate on the internal workings of public sector organizations, their relations with each other and their relations with their political masters, and neglects consideration of interorganizational relations with stakeholders outside of an organization's immediate environment. This approach is thus inadequate for understanding international treaty secretariats who as international IGOs, practice a version of public sector management, but who are also mindful of the intricacies of managing complex, interorganizational networks of state and non-state stakeholders both inside and outside of the treaty system.

Negotiation and dispute resolution literature with its legal and game theory origins, is philosophically distinguished from conflict resolution whose disciplinary base is essentially in the social sciences of psychology and

sociology. They perceive 'conflict' and its solutions differently. The negotiation and dispute resolution exponents focus more on what could be called settlement of the here-and-now episodes of acute conflict which they term disputes, while 'conflict resolutionists' such as Burton (1990) strive to understand and resolve the wider societal causes of conflicts which arise from struggles over identity, values, power, and limited resources (Dukes, 1996).

Neither theoretical stream offers an adequate explanation for managing and resolving the conflicts and disputes experienced by secretariats, who frequently have to deal with episodic disputes in a wider field of more low-level, chronic conflicts. Secretariats spend a considerable proportion of their time trying to build consensus among stakeholders to avoid and manage conflicts, and to resolve the disputes that occur at all levels of government during treaty implementation. To do this they appear to take the view that conflict or the potential for conflict is an implementation constant, punctuated periodically by bouts of acute disagreement (disputes). In this context, secretariats need to have an in-depth understanding of the national and international conditions and issues that give rise to conflict emergence ("conflict resolution"), while at the same time having the expertise and resources to manage and resolve them within the legal framework of the treaty ("negotiation and dispute resolution").

In summary, as argued above, none of the above disciplinary lens' is in itself adequate to explain the phenomenon of the secretariat as a potentially influential, organizational entity which survives (relatively successfully, it seems) in an essentially hostile, or at best indifferent, international public policy environment. A single-lens or disciplinary-based perspective only permits us a limited view of a complex and multifaceted entity. In my opinion, we need to adopt a more creative, interdisciplinary approach to understanding the secretariat as an organizational prism - an intergovernmental instrument of treaty implementation; a non-traditional facilitator and mediator of multi-issue, multi-party implementation conflicts; and an unacknowledged influence on treaty outcomes.

To sceptics who suggest that interdisciplinary frameworks are not sufficiently rigorous I say, that as the physical, social, political and economic

environments of the globe have the capacity to change, so too should intellectual environments. Network analysis and strategic management theory were initially adaptations of organizational theory as is interorganizational theory; and negotiation and dispute resolution theory developed from legal constructs. These bodies of theory which are now accepted as 'mainstream', are essentially interdisciplinary.

Advancing The Frontier: My Contribution To The Field .

The little information that is available about secretariats tends to concentrate on intra-organizational interactions. Large, UN bureaucracies such as UNESCO (United nations Educational, Scientific and Cultural Organization), and FAO (Food and Agricultural Organization), ILO (International Labour Organization) and NATO (North Atlantic Treaty Organization) are featured. The most important findings from this literature are: (i) international secretariats are a neglected, but analytically significant, unit of study; (ii) policy making by the secretariats of national governments differs significantly from that of the secretariats of international organizations; (iii) the power of international civil servants, especially those in issue-areas such as the environment, has been underestimated; and, (iv) secretariats do exert influence on policy outcomes, their leverage being enhanced by the interagency mobility and networking by their staff . However, it remains to be seen to what extent the findings of research on large United Nations IOs such as those listed above, are generalizable to treaty IOs.

This dissertation explores the application of an interdisciplinary approach known as interorganizational theory, to the study of a sub-set of international organizations, namely global environmental treaty secretariats. Interorganizational theory is an interdisciplinary hybrid derived from organization theory, network analysis, implementation studies and theories of strategic and public sector management, and as such it is particularly appropriate framework for an interdisciplinary research topic such as mine. Interorganizational theory evolved as a result of the frustrations of scholars and practitioners alike, with the inadequacies of each of its contributing theoretical streams to deal with what actually happens in the real-world context of public sector management, as distinct from hypothesising what

should happen, from the relatively distant realms of academia. While each of the disciplinary streams contributes to our understanding of various aspects of international public policy management, none is adequate is its own right to develop the complete picture of, or to explain how and why IOs act as they do in managing implementation processes. Given their limited authority and powers, what management strategies contribute to an IO's organizational success or failure as a network manager? and, how might IOs be used most effectively as an institutional resource, rather than being perceived - often erroneously - as a institutional liability?

Another criticism of the theoretical progenitors of interorganizational theory is that few are based on empirical research (Mandell, 1990), and that the empirical content of those theories that do have an empirical underpinning, is based predominantly on United States domestic data. This being so, it might be thought that interorganizational frameworks of analysis do not necessarily translate readily to the complex world of the international public policy practitioner. However Jonsson (1986; 1987; 1992; 1993) applied a framework derived from interorganizational theory and network analysis in his empirical study of a specific international aviation issue known as the Show Cause Order. Jonsson concluded that his analytical framework proved useful and that the case study largely corroborated his hypothesis that selected issue-specific and organization-specific background variables account for an organization's 'linking-pin' (his term) position in an interorganizational network - and ultimately its influence.

In the world of international public policy implementation, if models and theories do not, or are not seen to, capture the day-to-day reality of the policy world, they will be disregarded by even the most reflective of practitioners. Scholars and practitioners have much to learn from each other. In this context, there is a need for prevailing theoretical constructs to be revised and applied in a "real-world" context. My research then, builds on Jonsson's framework for explaining network structure and performance. Where my research departs from Jonsson's model, is that I pay particular attention to the performance of secretariats as network managers. In this respect, I go beyond Jonsson's (1986) analysis of selected background variables accounting for an organization's linking pin (or lynch-pin) position in an interorganizational

network. In particular I focus on secretariat roles in managing conflicts. I also take on board, input from recent US intergovernmental management studies, and from negotiation and dispute resolution literature, in order to address the operational difficulties that international treaty organizations face in managing interorganizational public policy conflicts.

Although the presence of conflict as an interorganizational network norm is acknowledged by Mandell and Gage (1990), the management of conflict has received very little attention in the intergovernmental management literature sources from which Gage and Mandell draw in advancing the debate on the value of interorganizational theory in understanding public policy management. Not surprisingly, perhaps, the negotiation and dispute resolution literature has provided more food for thought in respect of conflict management strategies for network managers.

Chayes and Chayes (1995) in developing what they call a new theory of compliance in an increasingly interdependent world, a "new sovereignty", note that dispute settlement is one of three elements of what they describe as an active management strategy, the other two elements being adaptation and modification of treaty norms and capacity building. These authors discuss the benefits and limitations of formal and informal approaches to dispute settlement, and suggest that international conventions might benefit from consideration of the raft of informal dispute settlement measures which have been developed in the USA, and which have been applied with some measure of success, to the resolution of a range of US domestic public policy disputes.

I take the Chayes and Chayes (1995) active management model a step further, by proposing that the informal dispute settlement measures which they suggest as a strategy of active management in international organization circles, are not new. They have for many years been practiced by environmental treaty IOs in their capacity as the network managers of international agreements. In fact secretariat use of what are known in the present day USA public policy dispute resolution literature as public policy or environmental dispute resolution processes, is one significant way in which these organizations exert influence.

The difference between the ways in which IO's use their knowledge of and skills in conflict management, and the techniques described by Chayes and Chayes (1995) and Dukes (1996), is that the secretariats do not name nor do they understand, that what they do to manage and resolve conflicts, is "informal dispute resolution" . They would, however, agree that special skills and expertise are required to perform such tasks successfully. Rather, secretariats regard conflict management and dispute resolution as a normal part of a secretariat's strategic management portfolio in managing a treaty network. Conflict management skills are an essential component of a boundary-spanner's professional repertoire, an extension of what Jonsson describes as 'quiet diplomacy' or the powers of persuasion, which constitute the fundamental basis of secretariat communications and are essential currency for organizational survival. That is, secretariat boundary-spanning personnel regularly, and unwittingly, use and have done for many years, what Chayes and Chayes (1995) call "informal dispute settlement".

In summary, my research seeks to fill a significant gap in the literature on international convention secretariats by explaining their roles and their potential to influence public policy outcomes as organizational actors in interorganizational treaty networks. Second, I suggest that my findings are transferable to the secretariats of other treaty systems including those of arms control and trade. Finally, I believe that this study breaks new ground in the conflict management and dispute resolution fields by analyzing secretariats as non-traditional intermediaries of international public policy conflicts.

Explanation Of Key Terms

Secretariats are the international, executive support organizations created by the members of an international agreement, convention or treaty to assist them to manage and implement the convention. In the case of multilateral agreements, secretariats are staffed primarily by international civil servants (ICSs) and led by an Executive Head or Secretary-General (S-G). Secretariat personnel are usually international, career civil servants and recruits from the national bureaucracies of member countries appointed for a fixed-term. On occasion, their ranks are expanded to include recruits from NGOs and

industry. All personnel, contract and permanent, are similarly bound by ICS ethics and the ICS code of practice while they are employed by a secretariat as international civil servants. Internationalism, rather than nationalism, is supposed to be the core value of a secretariat.

There are two models of secretariats, passive and activist. In the former, emphasis is on efficiency in administration rather than on creativity. The Secretary-General has little power, conducts diplomatic activity behind the scenes, and does not take initiatives when executive authority might be at stake (Boyd, 1962). In the latter, the Secretary-General is more than an administrator. S/he is a spokesperson for the treaty community, and is acknowledged as an influential leader in the executive system. The legitimacy of the activist secretariat thus derives from its executive authority and power, its structural position in the treaty system, high profile, and acceptability to the parties (Young 1967).

Treaty implementation is the third stage of international treaty making. The first stage is pre-negotiation which involves identification of the issues to be negotiated and getting the relevant parties to the table. The second stage is negotiation. This is when the representatives of national governments sit down to negotiate the parameters and content of a treaty prior to taking it back to their governments for ratification. Once the agreed number of country ratifications has been obtained, the treaty enters into force. This may take as little as 2 years (CITES) or as many as 10 years, as in the case of the United Nations Convention on the Law of The Sea (UNCLOS).

The implementation stage commences when a treaty is ratified. Countries which have ratified a convention are then legally required to honor their obligations by implementing measures at both national and international levels to achieve the treaty objectives. These measures may include the provision of regular national reports on national implementation progress, and the development of processes and institutional mechanisms to coordinate national implementation initiatives at the global level.

Effective treaty implementation requires the cooperation and coordination of a wide range of national and international, state and non-state actors. They

include: national governments (treaty members and some non-members); IOs; industry organizations; international and national economic and environmental non-governmental organizations (NGOs); associations of experts such as scientists; and the general public

The *tasks* that secretariats perform are the means by which secretariats influence treaty outcomes. A secretariat's implementation tasks differ from those that it performs during treaty negotiations. During the negotiation stage, secretariats may be considered interim organizations and limit their activities to assisting in the collection and dissemination of information, setting agendas for meetings, and otherwise servicing meetings of the parties as required. Secretariats are less inclined to take organizational risks or to be innovative during negotiations, in contrast with their activities in the implementation stage by which time they have acquired permanent organizational status.

Organizational permanency, structure, budgets and tasks are confirmed at the first Conference of the Parties (CoP) after a treaty enters into force. The implementation tasks performed by secretariats vary substantially. There are two primary tiers of secretariat tasks - core tasks and substantive tasks. Common core tasks are identified in the treaty text and tend to be essentially routine, administrative or executive duties such as: minute and report preparation; the organization of CoP and Committee meetings; and information dissemination among treaty members as requested by the parties and relevant committees. There is, however, significant variation among the substantive tasks performed by secretariats. It is in the performance of these tasks in particular, that implementation problems are most frequently experienced.

This second tier of substantive tasks is where I shall focus. They include:

(i) Overseeing and coordinating national reporting and performance review. This includes assisting countries with the development of agreed criteria for reporting on treaty implementation progress at the national level; analysis of the country/national reports submitted; and oversight of national implementation progress in accordance with the agreed criteria.

(ii) Helping to build national capacity in countries where special assistance is needed with: the development and implementation of reporting, legislative and regulatory processes to enable a country to meet its treaty obligations; transfer of technology and skills from developed to developing countries; and the training of in-country management authorities to administer the new regulations.

(iii) Monitoring compliance by working with non-state actors to achieve on-ground domestic and ultimately global, compliance.

Constraints. Secretariats face a number of obstacles or constraints in their performance of the three implementation tasks identified above. Constraints include: limited organizational capacity such as inadequate financial resources and personnel shortages; limited decision making authority; and lack of commitment from some treaty members.

Influence. Cox and Jacobson (1973:3) define influence as "the modification of one actor's behavior by another". Keohane and Nye (1974) and Mouritzen (1990) focus on influence exerted, as distinct from influence capability. In this study, I consider influence exerted and define 'influence' as: the effect on the behavior of the treaty stakeholders, of the roles performed by secretariats in carrying out their substantive tasks. By performing various roles, the secretariat contributes to the modification of other actors' behavior, that is, it exerts influence, or has a policy effect (Mouritzen, 1990). The role(s) performed by a secretariat will affect the nature and extent of influence exerted, and certain roles require more organizational capacity (influence capability) than others.

Roles are aggregates of activity indicating a certain relation of the secretariat to its salient environment (Mouritzen, 1990: 14). Secretariats perform multiple roles in fulfilling their organizational responsibilities in treaty implementation. Role constellations have been identified in the political science literature by Weiss (1975); McLaren (1980); and Jonsson (1986; 1993). They revolve around the relationship of IOs to their international constituencies, in particular nation states. However, I do not find these role

definitions very useful for understanding and analysing the roles secretariats perform in coordinating and managing international public policy implementation in the context of complex, multilateral networks. Although nation states and legal regimes provide the policy skeleton, it seems to me that it is the formal and informal networks and interactions of people and processes that transform policy into action.

I therefore use 'role' in the network management context. The primary role of a secretariat is that of network manager, in particular that aspect network management known as multilateral brokerage.

In the interorganizational literature Mandell (1988; 1990) identifies the role of multilateral broker as potentially the most significant role performed by a network manager. It parallels the roles described by various analysts as: 'fixer' (Bardach, 1974); 'activist broker ' (Jonsson, 1986); 'facilitation' (O'Toole, 1986); and 'steering' (Hanf and O'Toole, 1992). I also demonstrate that secretariats perform multilateral brokerage roles on a continuum from passive to activist. This is described in detail in Chapter 2.

Research Design

Research Questions

This study examines the roles and influence, that is, the policy effects, of secretariats in the implementation of three global environmental treaties. They are: Ramsar (1971 Convention on Wetlands of International Importance especially as Waterfowl Habitat); CITES (1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora); and CCAMLR (1980 Convention on the Conservation of Antarctic Marine Living Resources). More specifically, I examine the influence of these secretariats in performing their three key tasks: oversight of national reporting, performance review and assessment; the provision of assistance to developing countries; and secretariat interactions with NGOs in monitoring compliance. I also analyse the organizational capacity of these secretariats insofar as they are expected to manage conflicts which occur during treaty implementation. The conflict management and dispute resolution strategies they use, such as fact-finding,

collaborative problem-solving, policy dialogue, facilitation, and mediation, are of special interest.

My study assumes that international environmental treaty secretariats as organizational actors in global environmental treaty networks, play more complex and influential roles than might be obvious. Secretariats adopt constellations of organizational roles to expand their influence and to ensure their own organizational goals of survival and growth. For example, the CCAMLR Secretariat has a total of 14 staff and is relatively unsupported in an institutional sense. Unlike the secretariats of CITES and Ramsar, it has no parent body to provide bridging finance or additional personnel resources if needed. To ensure its own survival and enhance its influence the CCAMLR Secretariat interacts formally with influential scientific groups and committees in its own treaty system, and with other ATS-relevant organizations such as the IWC (International Whaling Commission). The CCAMLR Secretariat also interacts both formally and informally with national bureaucracies and environmental NGOs especially ASOC (The Antarctic and Southern Ocean Coalition), The Antarctica Project, and Greenpeace. These organizations provide the secretariat with data from their own scientific research networks and information on compliance monitoring, thus enabling the secretariat to fulfil its responsibilities for the oversight of national reporting.

My research looks closely at the ways in which these three secretariats have gone about meeting their responsibilities. I also examine the obstacles they have faced, the reasons they feel that these have occurred, and how they have tried to head them off. My analysis of responses to these questions from secretariats, NGOs and government representatives, explains how and why environmental treaty secretariats exert influence on implementation outcomes, and it enables me to make recommendations about the ways in which the organizational capacity of international treaty secretariats might be enhanced to positively influence treaty outcomes, to minimize implementation problems, and to more effectively manage those that do occur.

Underlying my research questions are five themes which I believe have implications for secretariat influence on treaty outcomes. They are:

The more activist a secretariat is, the more it is able to influence parties to conform with treaty requirements. Secretariats can use country reporting requirements to influence members' behavior. For example, secretariats often assist parties to interpret reporting requirements and to formulate their regular national reports for submission to the CoP. This is one way secretariats exert influence on the type of information that is collected; on the sources of in-country and external expertise consulted; and on the development of national reporting and performance review capabilities, including reliance on NGO input and public participation. In addition, when secretariats act as reviewers and independent analysts of preliminary country reports and country performance, they can directly influence the claims that countries are able and willing to make, as well as internal national decisions about what needs to be done to improve a country's performance.

By providing technical and other expert assistance to developing countries to help them meet their international treaty obligations, secretariats are able to influence national capacity building in these countries. Most global environmental treaties include trust funds that can be used to provide assistance to developing countries to help them to meet treaty obligations. When secretariats are responsible for the administration of such funds then they are able to direct the nature and timing of disbursements given to these countries. Financial assistance may be allocated for the identification and provision of scientific, technical and legal expertise to assist countries to put in place required reporting, legislative and regulatory processes, or to train management authorities in the administration of new regulations. Secretariat involvement in these activities provides opportunities for them to penetrate national policy and decision making processes, and to exert influence on the institutions that countries put in place to meet their treaty commitments.

To extend their limited formal influence, secretariats often form alliances with non-state actors. These groups can bring pressure to bear domestically on a party and increase a country's willingness to comply with treaty requirements. Non-state actors such as environmental NGOs, industry

organizations and associations of experts are representatives of constituencies. As such, they are in a position to both empower the general public, and to act as potential obstacles to the uncontested implementation of governmental policy at the national level. Non-state actors use a range of strategies to achieve their objectives. To raise public awareness, NGOs might initiate national and international media coverage, drawing attention to policy and behavior they particularly like or dislike.

Through alliances with non-state actors, secretariats can extend their influence into domestic political life without formally violating national sovereignty. That is, a secretariat's ability to safeguard treaty values and objectives within countries, can be enhanced by its interactions with domestic NGOs. If successful, these secretariat-NGO partnerships should deprive parties of the "domestic excuses " they give for not meeting their treaty obligations (Mouritzen 1990).

Secretariats also enlist formally and informally, the assistance of NGOs in monitoring in-country compliance. One example is the formal relationship between the CITES Secretariat and the WWF (World Wildlife Fund)/TRAFFIC (International Traffic Network) to monitor illegal trade in endangered species; another is the informal relationship between the CCAMLR Secretariat and the more militant Greenpeace in monitoring marine resources in Antarctica. The relationship between the CITES Secretariat and WWF/TRAFFIC is formally specified in the treaty text. In contrast, the relationship between the CCAMLR Secretariat and Greenpeace appears to consist of an informal information flow from Greenpeace to the Secretariat. The CCAMLR Secretariat has no formal contact with Greenpeace, although it is able to use the information provided by Greenpeace to assist it in monitoring compliance in a remote and inaccessible region.

Secretariat-NGO alliances can be mutually beneficial. An NGO's bargaining power diminishes at the international level. At this level, there are a greater number of NGOs and groups competing for policy space; access to decision making is restricted; and effective NGO input to and monitoring of treaty implementation, is costly and difficult to sustain over time. Through alliances with treaty secretariats, NGOs seek to transcend these limitations.

To the extent that secretariats are able to enhance their own organizational capacity, they are more likely to have an impact on treaty implementation outcomes. A secretariat' capacity to perform its tasks is heavily dependent on the extent of its financial, administrative and personnel resources, as well as on their relations with other groups and key individuals. The organizational capacity of secretariats is best measured in terms of its: financial capacity (budgetary diversification and funding predictability, that is, the regular payment of country contributions); administrative capacity (institutional legitimacy and decision making authority *vis a vis* a secretariat's parent organization and its CoP); personnel capacity (leadership, secretariat size and composition, professional expertise, personnel qualifications and experience, recruiting and staffing policies, and succession planning in a highly mobile, career civil service); and organizational scope, that is, the diversity and intensity of secretariat networks with the parties, experts, national bureaucracies, international and national NGOs.

If a secretariat is able to decrease its resource-dependence on the most powerful and wealthy treaty members through the diversification of budgetary sources, the innovative use of limited personnel resources and optimal use of its organizational networks, then it increases its organizational capacity and thus its ability to influence implementation outcomes. Diversification of budget sources is what really improves an organization's position (Mouritzen, 1990). That is, if not all of a secretariat's budget originates from one or several of the most powerful treaty members, but some of it comes instead from other sources such as NGOs or individual countries which are not part of a powerful clique. Personnel secondments to secretariats from NGOs and professional/expert associations also improve secretariat capacity. Expansion and diversification of a secretariat's skills base and networking, enhance an organization's autonomy and capacity as they decrease resource reliance on a dominant power or group.

Finally, as secretariats increase their capacity to avoid, manage or resolve conflicts and disputes among contending interests in their treaty system, their impact on treaty outcomes increases. When a secretariat decreases its resource-dependence, it increases both its autonomy and the likelihood that it

will be perceived as impartial, rather than as an instrument of a powerful member country or group of countries. This then enhances the secretariat's acceptability as an intermediary in the prevention, management and resolution of conflicts. As a intermediary, a secretariat can exert influence on treaty outcomes by: building consensus among parties on issues in contention; assisting the parties with problem-solving; facilitating meetings of scientific and implementation committees; and mediating stakeholder conflicts. In these ways secretariats can change stakeholder behavior and influence treaty outcomes.

Impartiality is one of basic tenets of the international civil service (ICS). The parties recognize that a secretariat needs to protect its own interests. However, if the parties have confidence in the secretariat to act as an impartial intermediary *vis a vis* the other parties in a conflict or dispute, and if they believe that the secretariat can assist them to resolve the conflict, then they will usually accept the secretariat as an intermediary.

The conflict management activities of the Montreal Protocol's Secretariat provide examples of consensus building and problem solving by a secretariat. The facilitation skills of its executive head and professional staff were used in collaborative fact-finding and problem solving workshops to assist parties to identify, and come to agreement on, data and information needs, and to establish agreed research priorities and processes (Sandford, 1994).

Methodology

My research approach relies on "structured focused comparison" described by Alexander George (1979), in which data is collected on the same variables across units or cases (King, Keohane and Verba, 1994). In this context, George proposed an "analytical inductive approach to theory development", comparable with "explanation-building analysis" as outlined by Robert Yin (1984). George's design uses as its basis, Eckstein's "heuristic" case study (see George 1979), that is, the case study is used "as a means of stimulating the imagination in order to discern important *new* general problems, identify possible theoretical solutions, and formulate potentially generalizable relations that were not previously apparent". In a similar vein, Yin (1984:113)

describes "explanation-building analysis" as an iterative process, the goal of which is "to analyze the case study data by building an explanation about the case". King, Keohane and Verba (1994) support George's contention that the case study method is meant to be systematic scientific observation, "systematizing the information in descriptive case studies in such a way that it could conceivably be used for descriptive or causal inference".

Case Selection

I track treaty implementation and the development of problems over time in three case studies. The three cases are:

(1) Ramsar (1971 Convention on Wetlands of International Importance Especially as Waterfowl Habitat)
(2). CITES (1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora).
(3) CCAMLR (1980 Convention on the Conservation of Antarctic Marine Living Resources)

The cases were selected for the following reasons:

All the treaties studied are global. They reflect extensive implementation efforts. As Jacobson and Brown Weiss (1994) point out, a study of proposed (and even recent) accords that have yet to be implemented will tell us little about what makes a successful agreement.

The treaties chosen all deal with the management of natural living resources, as distinct from atmospheric issues such as ozone depletion and global warming, or pollution as from hazardous wastes.

All the secretariats are well established. They have substantial data bases, and their Executive Heads and professional personnel have a wide range of experience in dealing with treaty implementation issues and conflicts in both developed and developing countries. These treaties and their secretariats have set organizational precedents for the implementation of more recent

treaties such as the 1992 conventions on climate change, biodiversity and desertification.

The secretariats are similar with regard to their organizational structures, staffing profiles, operations and the constraints with which they are faced.

The secretariats differ with regard to arrangements with parent/partner organizations. IUCN (World Conservation Union) and IWRB (International Wetlands and Waterfowl Research Bureau) jointly support the Ramsar Convention Bureau; and UNEP (United Nations Environment Programme), the CITES Secretariat. The CCAMLR secretariat has no discrete parent body. Rather, it is nested in the ATS (Antarctic Treaty System) and it relates directly to a number of the institutional components of this system.

Some other global environmental treaties have not been included as case studies for several reasons:

The 1987 Montreal Protocol on Substances that Deplete the Ozone Layer has not been included because of its scientifically unique (single issue) nature, and my lack of funds to travel to its three treaty secretariats for fieldwork. The primary treaty implementation secretariat is based in Nairobi, there is a secretariat presence with its parent body (UNEP) in Geneva, and a completely independent secretariat for administering the Multilateral Fund is located in Montreal, Canada.

Another example of a global environmental treaty not included in the study is the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. Basel has only had a permanent secretariat since December 1993, and as yet it does not have an established implementation "track record". However the experiences of secretariats such as these will be taken into account.

Data Collection

There are several elements of my data collection procedures. They are:

First, an extensive literature review has been conducted. Second, relevant documentation, reports and files in the secretariats, their partner agencies-IUCN, IWRB, UNEP, the ATS, and the United Nations system were studied. Documentation from NGOs and national delegations was also reviewed. Third, I directly observed a number of treaty implementation negotiations. I observed Conferences of the Parties (CoPs); policy, scientific, technical and reporting committee sessions;and intra-and inter-secretariat meetings. I was an observer at CITES' CoP 9 in Florida, USA in 1994; and Ramsar's CoP 6 in Brisbane, Australia in 1996. CCAMLR refuses to allow outsiders, even independent researchers such as myself, to observe any of its meetings unless approval has been obtained by consensus from the parties 12 months prior to Commission and Scientific Committee Meetings. In practice it is virtually impossible for observers to attend CCAMLR meetings unless they can persuade either a national delegation or ASOC or IUCN to allow them to participate as a delegation member. As requests such as this are frequent, the delegations typically refused. The CCAMLR Secretariat took a very passive approach to my request for assistance to attend the CCAMLR Commission and Scientific Meetings in 1995, 1996 and 1997. It did not appear to obstruct my request, nor did it facilitate it, unlike the Ramsar Bureau and the CITES Secretariat.

This is a limitation on my field-based information about CCAMLR as CoPs are useful places to access and interview national delegates and NGO representatives.

Fourth, fieldwork was undertaken in the USA, Switzerland, UK and Australia. In-depth, confidential, personal interviews were conducted with several past and with all current Executive Heads and professional secretariat personnel, and with support personnel as appropriate. Two interviews were conducted with each secretariat subject, a total of approximately 1.5 hours with each secretariat subject.

An open-ended interview protocol using a standard question format, was developed in consultation with my dissertation committee members and advisers, and key practitioners with relevant intergovernmental and secretariat experience. Interview questions were pre-tested on subjects with

relevant practical and academic expertise and amended as appropriate after the first round of secretariat interviews. The interviews were confidential and were tape recorded with the permission of the subjects.

Personal and telephone interviews were also conducted with relevant others, for example, former secretariat personnel and selected key senior executives from UNEP, IUCN, IWRB, the Humane Society, and the ATS. Some members of developed and developing country delegations and national bureaucracies responsible for treaty implementation were interviewed personally or by telephone, as were representatives of environmental NGOs such as the WWF, TRAFFIC International, The Species Survival Commission, and the Humane Society which are involved in monitoring country reporting and non-compliance; and representatives of business and trade organizations, including organizations representing the wildlife trade (CITES) and the fishing industry (CCAMLR), all of which are stakeholders in treaty implementation.

These categories of subjects were identified from internal secretariat documentation, and correspondence; from external reports of treaty and secretariat activities by, for example, NGOs; and from my first round of interviews with secretariat personnel. The aim of these interviews was to obtain a range of perspectives on the ways in which secretariats were perceived to conduct their tasks. These interviews were either tape recorded, or notes were taken during the interviews. Sixty nine interviews were conducted in this category, making a research total of one hundred personal and telephone interviews.

Using the interview and documentation data, and based on my research questions, case studies have been prepared to track developments, and to highlight watershed or critical implementation issue and events, such as treaty-specific constraints.

Using data obtained as indicated above, I have conducted a thorough examination of the problems of treaty implementation confronting environmental treaty secretariats and the approaches they have used to deal with these. I have examined why these problems occurred, and how a

secretariat's experiences in dealing with such problems over time, influences its choice of network management strategies including its decision to use or not to use, conflict management and dispute resolution processes such as consensus building, facilitation, and mediation.

Study Limitations

A limitation of this study was that some of the national delegates that I had initially planned to interview, including a number from developing countries, felt unable or were unavailable to participate in the study. Nor did they want their identities disclosed. They were understandably wary of telephone interviews with an unknown researcher, and personal interviews were not an option because of funding, mobility and time constraints. Access to delegates was facilitated primarily by my attendance at CoPs and related meetings as described above. That is why denial of my request to attend the CCAMLR meetings was such a problem. English as only working language of the researcher also limited the field of potential subjects.

Finally, while some non-state actors were prepared to criticize aspects of secretariat performance, it was virtually impossible to obtain negative comments about secretariat performance from national delegates of either developing and developed countries. Nor were 'negative paper trails' able to be located within the time and resources available for my research. I discuss possible reasons for these reactions in Chapter 7.

From the data collected, it appears that stakeholder response to secretariat performance is overwhelmingly positive. However, I am aware that the limited negative feedback on secretariats from delegates may skew my findings. There is thus a need for further research in this area to ensure that my sample reflects the real situation as accurately as possible.

Results

There are two sets of results, expected and "unexpected", which appear to confirm my original belief that global environmental treaty secretariats are more influential than is generally thought. By "unexpected" I meant that

these results or findings are unacknowledged or unrecognized in any of the literature I examined, that is, they are at odds with the conventional literature.

Expected Results

I found that environmental treaty secretariats exert influence over stakeholder behavior in several ways. In brief, they achieve this via: their organizational position as the lynch-pin organization and network manager of the interorganizational networks of treaty systems; task performance; and, the boundary-spanning roles of their personnel, in particular the role of multilateral broker.

In addition, the expected results confirm that the more activist a secretariat is in carrying out its three key tasks - oversight of national reporting and performance review; assisting developing countries with capacity building; and working with NGOs to monitor domestic compliance - the more likely it is to change stakeholder behavior and have a policy effect (influence) on treaty outcomes.

Second, as secretariats increase their organizational capacity, so they increase their potential to influence treaty implementation. Whether or not they exercise their organizational potential depends on the extent to which they are activist or passive secretariats.

Third, as secretariats increase their capacity to avoid and manage conflicts and to resolve disputes among treaty stakeholders, they exert a considerable and positive influence on treaty outcomes by changing stakeholder behavior.

"Unexpected" Results

To my mind, the "unexpected" results outlined below are more exciting and offer opportunities for further research. They are:

Secretariats tend to favour the use of the *informal* interorganizational networks and processes which develop among stakeholders in a treaty system,

rather than the more limited formal ones specified in the treaty text, to fulfil their convention responsibilities and to exert influence.

Secretariats have a greater knowledge of informal, national and sub-national interorganizational processes and networks, and they make far more extensive and more long-term use of these (*in-country penetration*), than is often understood or appreciated by governments and scholars. That is, the secretariats of multilateral environmental conventions use their in-country/domestic connections and knowledge to get things done and to exert influence.

Secretariats form informal, even covert, *alliances with key non-state actors* to get things done and to exert influence.

Secretariats use *conflict management and dispute resolution processes* unwittingly, to manage tensions and conflicts that occur among stakeholders during treaty implementation, and to exert influence. It is also apparent that for the twenty-first century, treaty secretariats need to reassess their roles and diversify their resource base to off-set competition in a world of diminishing resources and an increasing number of international conventions. A 'new' direction would be to ramp up their conflict management skills and capacity. I present policy prescriptions for this in the final chapter.

Organization Of The Study

Chapter 1 establishes global environmental treaty secretariats as significant units of analysis. It outlines the issues to be studied, identifies the research questions to be answered, the methodology followed, and the results. Chapter 2 examines relevant theoretical concepts and frameworks that have been used to study IOs and international agreements, and then examines the application of an interorganizational framework to analysis of the roles and tasks performed by secretariats in the implementation of global conventions, with special reference to the convention case studies; Ramsar (1971 Convention on Wetlands of International Importance , especially as Waterfowl Habitat); CITES (1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora); and CCAMLR (1980 Convention on the Conservation

of Antarctic Marine Living Resources). Chapter 3 discusses the core and substantive tasks performed by secretariats, while in Chapter 4 the challenges or constraints confronting international treaty secretariats are analysed with specific reference to those facing environmental convention secretariats. Chapter 5 then looks in depth at the difficulties facing the secretariats of Ramsar, CITES and CCAMLR and asks why did these problems emerge? The approaches taken by these secretariats to transform these constraints or obstacles into opportunities, are the focus of Chapter 6.

Chapter 7 presents the "unexpected" results of the research and seeks to answer the questions: What have we learned from secretariat practice about the sources of secretariat influence? and, What does this allow scholarship to say "in general" about the influence of international secretariats in practice? I suggest that activist global environmental treaty secretariats are critical actors in a process I term *catalysis* which is the previously undiscovered 'missing link' between implementation and compliance as these theories are currently identified in the literature. *Catalysis* is the interorganizational, network management process by which secretariats actively assist countries in transforming domestic implementation concepts into tangible compliance with international treaty objectives. As network managers and boundary-spanners, secretariat personnel act as catalysts in activating and brokering those sets of initiatives that constitute "catalysis".

As catalysts, secretariats facilitate: national capacity building; informal network interaction among both international and 'in-country' state and non-state actors; and the prevention and management of implementation conflicts through activities such as consensus-building, fact-finding and collaborative problem-solving. When secretariats act as catalysts in this context, they assist countries to take that step from a theoretical agreement to implement an international convention, to the actual achievement of 'real-world' compliance .

My argument is that while catalysis is no guarantee of compliance, without entities such as activist secretariats in each treaty system, it appears likely from my findings that the level of compliance with multilateral environmental accords would be considerably less.

The concluding chapter, Chapter 8, then advances some policy prescriptions for enhancing both the process of catalysis and the organizational potential of treaty secretariats, thus optimizing the chances for more positive international environmental policy outcomes.

CHAPTER 2: UNDERSTANDING AND APPLYING THE THEORY

Introduction

This chapter is in two parts. Part I, discusses two sets of theoretical concepts or constructs that underpin my examination of secretariat tasks, roles and influence. The first grouping of concepts consists of treaty 'implementation', 'performance', 'compliance', and 'effectiveness' which are used by contemporary political scientists, and international lawyers to understand and evaluate the dimensions of treaty success or failure; and 'activist' and 'passive' secretariats. The concepts of activism and passivity are used describe the levels of initiative demonstrated by secretariats in performing their implementation tasks and roles.

The second set of constructs is derived from interorganizational theory and the management of interorganizational networks. These concepts are used by social scientists working in the areas of intergovernmental and public sector management, public policy implementation and organization theory, to understand the ways in which public policy is implemented at all levels of government. To date, the application of network analysis and interorganizational theory has overwhelmingly concentrated on domestic policy activity. However, I believe it can be readily applied to an examination of international policy networks and their management. For the reasons that I explain below, its inclusivity makes it a particularly relevant theoretical framework for my study.

In Part 11 of this chapter, I consider and adapt Jonsson's (1986) interorganizational framework for application to my study of global environmental treaty secretariats as the network managers of international public policy networks. In particular, I examine the issue-area and organizational-specific variables that impact on the performance of their primary tasks of overseeing the management of treaty implementation and compliance. Of particular interest is the extent to which secretariats perform a passive or an activist role in carrying out their tasks, the former being less likely to have an impact on treaty outcomes than the latter.

I then examine the roles that activist or passive secretariats might use to carry out their tasks and to overcome the organizational constraints they encounter. I adapt the framework of IO roles developed by Mouritzen (1990) as my starting point.

My fieldwork subsequently revealed inadequacies in both Jonsson's and Mouritzen's frameworks. These limitations are discussed in Chapter 8 where I develop catalysis as my contribution to theory.

PART I: UNDERSTANDING THE THEORY

Explaining Implementation, Performance, Compliance, and Effectiveness.

The extent to which governments fulfil, or make significant progress towards fulfilling, their treaty obligations determines whether or not a treaty is successful. However, a general lack of consensus about the precise nature of successful 'implementation', 'performance', 'compliance' and 'effectiveness' is apparent in the literature. As a preamble to my study, I have tried to explain these terms as used by several prominent US researchers. They are: Jacobson and Brown Weiss (1994); Young (1994) and Chayes and Chayes (1995).

Jacobson and Brown Weiss (1994:1) argue that international accords are only as effective as the parties make them. In their opinion, implementation refers to,

> measures that states take to make international accords effective in their domestic law'. Some accords are self-executing; that is, they do not require national legislation to become effective. But many international accords, including CITES and Basel, require national legislation or regulations to become effective

> **Effectiveness** is the result not only of how governments implement accords (the formal legislation or regulations that countries adopt to comply with the accord) but also of compliance (the observance of these regulations and the commitments contained in the international accord).

In this context Jacobson and Brown Weiss argue for clear definitions of implementation and compliance.

Another important distinction is between **'performance' and 'effectiveness'.**
Young (1994) identifies an effective governance system, as "one which
channels behavior in such a way as to eliminate or substantially to
ameliorate the problem that led to its creation"(1994:30). He argues that while
a system may perform or affect (actor/stakeholder) behavior dramatically, it
may not be effective in addressing or resolving the original problem.

Young goes on to suggest that the factors that channel such behavior may be
endogenous, exogenous, or a combination of both. Endogenous factors relate
to the regime itself, including the internal mechanisms for achieving
compliance. In contrast, exogenous factors relate to a range of factors such as
the introduction of new technologies or a re-configuration of power in
international society.

Compliance goes beyond implementation. Compliance refers to whether
countries adhere to the provisions of the accord and to the implementing
measures that they have instituted.

As Jacobson and Brown Weiss comment;

> Measuring compliance is more difficult than measuring implementation. It involves
> assessing the extent to which governments follow through on the steps that they have
> taken to implement international accords. In the end assessing the extent of compliance is
> a matter of judgement (1994:3).

Compliance has several dimensions: procedural, such as the requirement to
report; substantive, such as the obligation to cease or control an activity; and a
broad normative framework within which these obligations are located, that
is, the spirit of the treaty (Jacobson and Brown Weiss, 1994:3). Young (1994)
and Chayes and Chayes (1995), appear to concur with this breakdown of the
elements of compliance identified by Jacobson and Brown Weiss.

Compliance is related to, but not identical with, effectiveness. Countries may
be in compliance with a treaty, but they may not be effective in attaining their
objectives of addressing the problems they were intended to address. For
example, a country may comply with a treaty requirement to cease
international trade in ivory which could effectively stop the ivory trade, but

it may have little impact on the decimation of elephant herds (Jacobson and Brown Weiss, 1994:3).

In their recent work on compliance with international regulatory agreements, Chayes and Chayes (1995:2) argue that the traditional model of treaty compliance with its analytical focus on nation states and its emphasis on coercive economic or military enforcement measures to sanction violations, is politically costly and rarely works as countries are reluctant to invoke such measures against each other. In fact even where international agreements have "teeth", that is, sanctions, they are seldom used. Peer review and peer pressure or "shaming", are the preferred compliance strategies of most treaties.

Chayes and Chayes (1995:3) propose an alternative "managerial model" for achieving compliance with international agreements which is based on the assumption that most states comply with their international obligations most of the time. The Chayes' model relies primarily on a cooperative, problem-solving approach instead of a coercive one. They argue that their approach is better suited to an increasingly complex and interdependent world where the negotiation, adoption and implementation of international agreements are at the center of cooperative regimes by which states seek to regulate major common problems such as environmental degradation (Chayes and Chayes, 1995:1).

The Chayes' model consists of a number of instruments which taken together make up a compliance strategy. These are: (i) reporting and data collection; (ii) verification and monitoring; (iii) instruments of active management, (capacity building, dispute settlement and the adaptation and modification of treaty norms including legal norms, and transparency of institutional decision making); and (iv) policy review and assessment. Central to the success of this model of compliance, are the tasks performed by international organizations and NGOs.

There are a number of areas of complementarity between my research and that of the Chayes'. First, my research, incorporates the concept of treaty implementation and compliance as a management strategy. In my opinion, it

is this change of emphasis (from a judicial to a management mode) that distinguishes the stage of treaty implementation in the policy process from that of treaty negotiation where the focus is on achieving legal or judicial solutions (treaties) to problems of distributing common pool resources. Not only does the decision making emphasis in implementation differ from that of negotiation (membership compliance rather than membership recruitment), but the operational apparatus differs. Bureaucracies of national and international civil servants, and domestic and international NGOs, rather than lawyers and diplomats, dominate treaty implementation. Implementation is where these organizational actors come into their own over time, providing the institutional memory of the regime and ensuring policy continuity.

Second, I also agree with the Chayes' that when it comes to enforcement, adversarial strategies such as the use of sanctions, have rarely achieved sustainable outcomes. In fact, they risk exacerbating, rather than alleviating, implementation problems by aggravating tensions and provoking conflict among treaty stakeholders.

The Chayes' approach considers a cross-section of international agreements and it relies heavily on secondary sources. My research differs from the Chayes' in that it focuses on one category of international regimes (global environmental conventions), and a specific sub-set of international organizations (environmental treaty secretariats). In addition, I make extensive use of primary data collected from personal and telephone interviews. Thus, the angle of my investigation differs from that of the Chayes' as do my data sources. I do, however, consider in detail a number of elements which the Chayes' identify as being crucial to compliance: national reporting, data collection (and data analysis), performance review and assessment; national capacity building; working with NGOs to monitor compliance; and dispute settlement, which I examine from a less judicial perspective than the Chayes. In spite of these differences, my approach to the analysis of secretariat tasks will be analogous in many ways to that employed by the Chayes' in their development of a managerial model of compliance.

In summary, I agree with Young, Chayes and Chayes, and Jacobson and Brown Weiss, that implementation, performance and compliance are crucial to any measurement of treaty effectiveness or success. However, my focus differs in several ways. While the analytical focus of these authors, is on what they variously term 'international governance systems', 'regimes', and 'institutions', my focus is on the international organizations (IOs), that manage or administer the implementation of international governance regimes, systems and institutions.

Finally, I believe that the implementation tasks, the processes used to carry out these tasks, and the roles performed by environmental treaty secretariats in environmental governance systems, are crucial to establishing, maintaining and adapting many of the linkages and interactions among the various elements that impact on country performance and treaty success.

Servant of the Parties or Agent of Influence? Distinguishing between Secretariat Activism And Passivity in Task Performance

There are two schools of thought about the impact a secretariat can have on treaty outcomes. One school argues that secretariats and their executive heads do the bidding of the parties. The other supports a more activist role, viewing secretariats as servants of the global community, rather than just as servants of member countries. The proponents of this more activist view believe that secretariats are in a position to affect treaty outcomes. Both schools of thought acknowledge the influence of secretariats in treaty decision making (Sandford, 1992).

In his analysis of the role of the UN Secretariat in international negotiations, Young (1967) identified two categories of secretariats, minimalist (passive) and maximalist (activist). He notes that this categorization describes the divergence between the two basic theories about the role of the Secretary-General as the focal point in the UN system (Young, 1967:264 in Sandford, 1992). As Young states, the cornerstone of minimalist theory is the requirement that the Secretary-General be "politically celibate" and focus on the internal administration of the organization. He/she should not endeavour to act independently, nor participate as an equal in policy or

decision making (Young, 1967:266). In this (passive) model, the emphasis is on efficiency in administration rather than on creativity. As noted by Boyd (1962), a passive Secretary-General (and secretariat) has little power, conducts activities behind the scenes, and does not take initiatives when executive authority might be at stake. In contrast, the hallmarks of a maximalist model include emphasis on the general executive authority and powers of the Secretary-General and Secretariat and on the position of the executive in the UN system as an important, even a co-equal in the organization (Young, 1967:266). In this model the Secretary-General is more than just an administrator. He/she is acknowledged as an influential leader. As both Young (1967) and Cox (1969) note, the leadership qualities of the Secretary-General have a significant effect on the functions of secretariats. The League of Nations and the UN exemplify the two models - passive and activist - of international secretariats. (Sandford, 1992)

The legitimacy of the activist Secretary-General derives from the position's executive authority and power, its structural position in the UN system, high profile, and acceptability to parties (Young, 1967:264). The activism of many UN Secretaries-General is mirrored in the activities of and leadership displayed by, the Executive Heads of other UN agencies and programs. The entrepreneurial leadership of Mostafa Tolba, the former Executive Director of UNEP is universally acknowledged as the major driving force behind the activism of UNEP in the ozone negotiations which culminated in the Montreal Protocol (Young, 1994). The successful conclusion of Basel, and the Convention on Biological Diversity (CBD) also owe much to Tolba's activism. Thus, the legitimacy criteria of UN Secretariat activism can be extrapolated to the secretariats of other UN agencies and programs.

The Secretary-General and the secretariat may be better placed to play the role of intervener or intermediary than most other potential intermediaries because of the prestige and respect accorded to their suggestions, their unity and ability to act coherently, their diplomatic skill, and their ability to coordinate and mobilize action (Young, 1967:119).

Touval (1982:4) defines an intermediary as a 'third party' whose stated purpose for intervention in an international conflict is to assist in its

abatement or resolution, and whose intervention is accepted by the parties to the conflict. However, Touval challenges Young's concept of intervener "impartiality" (1989:4), preferring the notion of "acceptability" by the parties as a prerequisite for successful intervention. Acceptability acknowledges that intermediaries or interveners do not have to be perceived as impartial to be acceptable to the parties, nor to be effective in conflict resolution. The use of the good offices or mediation of the UN Secretary-General and the UN Secretariat in over 100 disputes indicates the acceptability of a secretariat as an intermediary (Susskind and Babbitt, 1992). A passive secretariat would neither have undertaken such activities, nor have made such a positive contribution to world order.

Global Environmental Treaty Secretariats

The roles and tasks of the Secretaries-General or Executive Heads of global convention secretariats and their organizations, are comparable with those of the UN Secretary-General and the UN Secretariat on which they are modelled. All are international organizations which operate within the context of the larger UN general system. This applies to the secretariats of trade, human rights, and security conventions, as well as to those of environmental agreements.

Irrespective of the category of secretariat, activist or passive, all global environmental treaty secretariats perform policy implementation tasks. While there may be structural, operational and leadership differences among secretariats, there are nevertheless, two types of implementation tasks and responsibilities which are common to all. They are: core tasks and substantive tasks. The former I take to mean those administrative support tasks formally identified in the original treaty text. Substantive tasks I take to mean, those tasks assigned to, or acquired by, a secretariat as a result of decisions and resolutions of the parties subsequent to the signing of the original text.

My use of the term "core tasks" will apply to tasks such as preparing agendas and documentation for meetings of the parties and the distribution of information and reports as directed by the parties. Substantive tasks will be

used to describe tasks such as overseeing national reporting, data analysis, and performance review; assisting developing countries with national capacity building; and working with NGOs to monitor compliance.

If secretariats were to be identified as either activist or passive solely on the basis of their performance of their core tasks, then most would be deemed 'servants of the parties' rather than 'agents of influence', as core administrative tasks tend to be narrowly circumscribed with little leeway for creativity or initiative. An organization which is perceived by itself and others to be a 'servant of the parties', tends to get cast in a reactive rather than a proactive role.

The nature of the relationship between the secretariat and its parties, and the parties' perceptions of the secretariat's roles and tasks is crucial here. For example, Secretariat A may be directly controlled by its parties which actively discourage or stifle its initiative and creativity, even though the secretariat's suggested initiative(s) might assist the treaty to achieve its objectives in a more cost-effective way. Secretariat B on the other hand faces no such obstacles to exercising organizational and policy initiative. Instead, its parties and may actively encourage it to suggest ways in which they might improve their performance and meet their treaty obligations. Of my case studies, CCAMLR is considered an example of the former, and CITES an example of the latter.

The manner in which a secretariat carries out (or does not carry out) its substantive tasks, determines to a significant extent whether it is activist or a passive. This then determines the extent to which the organization has an impact on treaty outcomes. Positive impacts change stakeholder behavior to facilitate the achievement of treaty objectives. Negative impacts impede this process.

Secretariats use implementation tasks and processes to exert influence. This is most apparent in the ways in which they carry out their substantive, rather than their core, tasks. Substantive tasks are more open to interpretation than core tasks, and so they offer greater scope for the organization to display

initiative in its task performance in influencing members' behavior and decision making.

Why should a secretariat seek to exert influence if it is not the ultimate decision making entity in the system? It is in a secretariat's organizational interests to ensure that it is assigned or acquires a range of treaty implementation tasks so that is has a legitimate mandate (tasks) and the tools (resources) to survive and to adapt to changing circumstances. It is thus in the organization's interests to ensure that treaty implementation proceeds as smoothly as possible so as to acquire the necessary resources to achieve this. Treaty survival means organizational survival as secretariats are dependent on their treaty members for resource allocation.

Interorganizational Theory

My second set of theoretical constructs derives from interorganizational theory and network management. Interorganizational theory has its origins in several disciplines, in particular network analysis, organization theory and strategic management. Mandell (1990: 34) comments, the study of networks is not new and has roots in anthropology, social psychology, and sociology (Tichy, 1984). Mandell goes on to say that the application of this concept to the study of interorganizational relations, is however, a relatively recent phenomenon (Aldrich and Whetten, 1981; Friend, 1981; and Sterm, 1979). To a public policy practitioner, the interdisciplinary connection between networks, interorganizational relations and intergovernmental management practices seems perfectly obvious as it reflects what actually happens in the policy practitioners world. However, this perspective is not evident in the conventional literature.

Networks

The concept of networks, their interactions and their management is the primary building block of interorganizational theory.

> The interorganizational field relates to the characteristics or patterns of networks as a whole (Warren, 1967). The focus is on the structure of the interaction of the actors, rather than on the constraints of the boundaries of the interorganizational network. The concept

of the interorganizational field thus points to the centrality of the interaction processes within the network. The emphasis is on the ability to manage relations within a system of organizations. Network analysis is used to examine the structure and patterning of network relations as a way to identify both their causes and consequences (Mandell, 1990: 34).

Aldrich and Whetten (1981:388), view networks as populations of organizations loosely joined, hierarchically differentiated, adaptive in ways that preserve network structures, and integrated by their ties to lynch-pin organizations. They note that lynch-pin organizations have extensive and overlapping ties to different parts of a network and play the key role in integrating a population of organizations. They are the nodes through which a network is loosely joined. Secretariats are the lynch-pin organizations in an international treaty network.

The CITES Secretariat as the lynch-pin organization or node of the CITES network links CITES member governments; non-member states with an interest in what CITES does; IGOs such as IUCN; environmental NGOs such as WWF and the Humane Society; trade organizations from a multitude of product and trade sectors as diverse as elephants, crocodiles, birds, plants and invertebrates; UNEP as CITES' UN partner organization; scientific experts throughout the world; media outlets; and national and international bureaucrats (including other treaty secretariats) who are responsible for implementing the convention at both the national and the international level.

Each of these organizations in a treaty network is, in turn, linked to a body of constituents and their organizational and individual networks. Some of these networks are formal, others are informal. Collectively these networks constitute a formidable web of contacts and interactions for the CITES Secretariat, as they do for any secretariat.

While the focus in the literature is primarily on formal organizational networks, my research has discovered that the professional and personal informal networks of individuals are perhaps more important than formal organizational networks.

Three functions of lynch-pin organizations are particularly important. They serve as communication channels among organizations; they may provide general services linking third parties to one another by transferring resources, information, or clients; and, if they are dominant or high-status organizations, they may serve as models to be imitated by other organisations, or they may use the dependence of other organizations on themselves to direct actively the behaviour of action-sets (Baumgartner et.al., 1976 in Aldrich and Whetten, 1981:390). Action-sets are groups of organizations which form a temporary alliance for a limited purpose (Aldrich and Whetten, 1981: 387). Secretariat alliances with NGOs are examples of action-sets. More will be said about these alliances in Chapter 7.

Networks and Public Policy

I support Hanf and O'Toole's (1992:163) explanation of interorganizational networks as vehicles for carrying out policy programs as it speaks directly to public policy implementation. These authors comment, and I agree, that policy *implementation* 'on the ground', has been neglected in policy network analysis. They maintain that the focus of network analysis has been on the relationship between actors, and the context within which actors engage in the formulation (as distinct from the implementation) of public policy. It is, however, surprising to me, that Hanf and O'Toole seem oblivious to the existence of the large body of public policy implementation literature in the USA.

Hanf and O'Toole use network analysis to describe the interactions of actors involved in policy formulation, as well as to characterize intergovernmental relations. They then apply these insights to the *management* of the structures through which this policy is implemented, management being the link between research on policy formulation and research on policy implementation. This seems to parallel Mandell's (1990) argument in support of network management as the link between strategy formulation and strategy implementation.

Hanf and O'Toole's work is premised on what they see as a crisis in governance in the US domestic sector and the problem of 'steering'

(managing) complex systems of interorganizational relations. They argue that the complexity of the policy environment now requires the involvement of numerous substantive specialities (disciplines) as the rate of growth in knowledge continually accelerates. This complexity is further exacerbated as the links among specialties become necessarily more dense, while the degree of differentiation implied by hyper-specialization continues to rise. Hanf and O'Toole suggest that this then raises questions about the need to rethink the role of government and the way in which it goes about its business. They further suggest that these phenomena require a redefinition of the concept and difficulties of 'government steering', in the interorganizational nature of the politico-administrative world (Hanf and O'Toole, 1992:166).

Even though Hanf and O'Toole's research is based on US domestic policy experiences, it translates comfortably to the international policy implementation arena. Both the domestic and international public policy arenas are experiencing discomfort with major changes in network complexity, interdependence, rapidly increasing knowledge and specialization, and dense linkages of policy networks. If anything, the interorganizational networks of the international policy field are even more numerous, dense and complex to manage than their US equivalents.

The major problems experienced by the parties to the FCCC in late 1997 in trying to negotiate a global protocol for agreed targets and timetables for GHG emissions at CoP 3 in Kyoto are a stark reminder of the difficulties of managing recalcitrant countries such as Australia and complex, international networks.

In response to this scenario, Hanf and O'Toole (1992:166) suggest that if policy action is to be successful it must be multilateral and it inevitably will involve a variety of actors and units, both public and private, that have differing perspectives, interests, and levels of influence. For example, in an environmental treaty context, different actors - governments, NGOs and scientific experts - possess different pieces of information, represent different interests and pursue different, often conflicting, courses of action.

As policy problems tend to cut across boundaries of specializations and jurisdictions, the ability of individual decision units to achieve their own objectives will increasingly depend not only on their own choices and actions but also on those of others. It therefore make sense that "effective problem-solving systems will typically involve participants from different decision levels and from a variety of functionally specialized units" (Hanf and O'Toole, 1992:166). This is certainly true in international public policy networks.

The value of interorganizational theory in international policy implementation is that it draws attention to the linkages between the individual and organizational units responsible for implementation on a global scale.

However the question for international public policy remains: the policies are formulated and the implementation structures are in place, but are effective action and compliance emerging? To answer this question we need to look at the characteristics of networks and interorganizational relations as the unit of analysis, and then examine interorganizational relations in terms of their effect on policy outcomes.

Characteristics Of Networks

In identifying the characteristics of networks, Mandell (1990:35) draws from Porter and Warner's study (1979) of "implementation structures" which, to quote Mandell (1990:35), "examines some of the unique characteristics managers must confront when trying to implement programs within a network of organizations."

These characteristics provide the basis for the study of the strategic management of in interorganizational networks. The characteristics of all networks are:

(i) An array of public and private actors as members of organizations: actors are usually members of separate organizations, but whole organizations are not usually involved. Representatives of Australia's federal environment

department, Environment Australia, WWF Oceania, and Wildlife Management International P/L, a trading company, are all involved in CITES implementation activities in Australia.

(ii) A variety of goals and objectives: actors and organizations have a variety of goals and objectives. These are not always compatible. Interests and incentives also vary among organizations. Environment Australia is the CITES management agency in Australia to ensure that the government fulfils its CITES obligations; WWF Oceania assists Environment Australia in monitoring national reporting in compliance with CITES requirements; while Wildlife Management International trades in CITES-approved species for which it has identified an international market and has a CITES export permit. One of its export commodities is crocodile skins.

(iii) Program-oriented actors: actors are rationally oriented and view resources in terms of mobilization strategies. The successful implementation of Ramsar, CITES and CCAMLR all depend on the ability of their secretariats and other actors - notably national bureaucrats - to make rational decisions based on objective criteria and to mobilize the political, financial and organizational resources required to implement the convention. They argue that rationality is the only way to overcome the subjective elements such as differing values and emotions, that impinge on treaty decision making and which are manifest in the tension between the habitat preservation and commercial development supporters in the CITES camp.

(iv) Dominance of professional values: traditional hierarchical relations which focus on authority are less important than the values, ethics and beliefs of professionals which dominate behaviour. These views of Mandell's encompass what Haas (1990; 1992) calls 'epistemic communities'. More is said about 'epistemic' communities in Chapter 7, and in Chapter 6 I discuss the significance of Weber's (1962) notion of a 'calling' as it applies to the professional personnel of environmental treaty secretariats.

It is certainly true that scientific, legal economic and other professionals dominate the substance of many environmental conventions. However,

formal power in the form of national governments, has the final say in decision making.

(v) Groups of actors and subgroups of actors perform specialized roles and the coordination of roles varies within implementation networks. Fisheries scientists and ornithologists are two groups of CCAMLR scientists which occupy distinctly different specialist niches. However, although their roles are highly specialized, their activities and outputs are coordinated in the context of achieving a common outcome for CCAMLR.

(vi) Membership in several implementation structures: organizations in a task environment belong more to one implementation structure than to others. The primary allegiance of secretariat personnel on contract or secondment from their home base, be it a national government or environmental NGO, is to their IO, even though they retain a substantive position in their home organization. For environmental NGOs, even though they might publicly and actively support CITES objectives, their primary loyalty is to their NGO which may not always agree with measures taken by CITES. It seems that several NGO representatives were individually opposed to the way their organizations promoted the dismissal of the CITES Secretary-General in 1989, but these individuals as representatives of their NGO, were bound to publicly support the organization's position in the CoP. (Pers. Coms. NGOs, 1995).

Although these six characteristics apply to all interorganizational networks, not all networks are structured alike. Understanding the structural differences is the first step to being able to develop a revised model of strategic management in interorganizational networks (Mandell, 1990:36).

Network Structures

Mandell (1990:36) notes that structural arrangements in interorganizaional networks lead to different types of interdependencies. For example, networks may be arranged along vertical, horizontal or voluntary lines, and these differing structural interdependencies have an impact on the performance of the network.

However, Mandell's typology of vertical, horizontal or voluntary network structures does not adequately explain the complexity and interrelatedness across and among the state and non-state actors and the many levels of government which make up an international treaty network. An international treaty system resembles a web, rather than the more linear arrangement of network structures suggested by Mandell.

Organizational linkages and interactions are generally readily visible in formal networks. In contrast, informal networks are difficult to identify and track unless the researcher goes to an individual level of interaction where evidence is largely anecdotal - thick description (Geertz, 1973), spontaneous stories (Mouritzen, 1990) and narrative policy analysis (Roe, 1994). My research appears to indicate that informal networks are significant factors in the effective management of international policy networks.

Policy Implementation as Network Management

Network management is a form of interorganizational management. According to Hanf and O'Toole (1992), network analysis focuses on the structure and process through which joint action is organized and managed. Networks are thus viewed as management processes and linkages through which actors in polycentric settings try to 'direct' policy implementation or problem-solving. An actor as a network manager, has to build, maintain, and change the multi-unit network. Functions such as 'fixing' (Bardach, 1974), facilitation (O'Toole, 1986), the 'multilateral brokerage role' (Mandell, 1988; 1990) or 'steering' (Hanf and O'Toole, 1992), best describe the primary functions of network managers of interorganizational networks.

Network management is the essentially a problem of cooperation, how to obtain it, how to maintain it, and what constrains it. Cooperation is obtained largely by inducements such as the exchange of resources and information, and the ability to build lasting cooperation depends on: policy characteristics, inter-organizational structure, information and problem-solving (Hanf and O'Toole, 1992:172). Policies determine the actors and their relationships with one another. Managers can manipulate policy linkages among actors to

increase coordination and cooperation or to reduce it. The structure of interorganizational interdependencies helps to determine the loci of power in a system, as well as the likelihood of bargaining as a network management strategy. The polycentric structure of an interorganizational networks requires a problem-solving capacity within the network. This highlights the importance of the network manager's role as a facilitator or intermediary.

Information and its management are crucial variables. Interorganizational settings provide plenty of opportunities to influence the perceptions and the flow of information. Those managing or steering a network can play an important role in this by articulating, recording and enforcing commitments across organizational boundaries and by respecting confidences and averting unnecessary embarrassments, thereby raising the overall degree of trust in the setting. They may also change perceptions that may inhibit implementation; they can time the use of information in such a way as to maximize its chances of success- or failure- and they can adjust the flow of information to encourage the perception of shared interest (Hanf and O'Toole, 1992: 173).

Secretariats as network mangers use information in all the ways described by Hanf and O'Toole to direct treaty implementation. They also act as intermediaries and facilitators in problem-solving; use negotiation and bargaining as their primary network management and coordination tools; and use, the interorganizational linkages within and between formal and informal treaty networks to achieve policy objectives.

The problem for international policy implementation as a network management strategy is one of combining 'action areas' in decision situations which are characterized by chains of formal and informal action from the CoP down to the local community level. This involves not only linking levels of government and administration, but also the 'assembling' of the public and private actors required for joint action at any level of government (Hanf and O'Toole, 1992: 174). To deal with this, Hanf and O'Toole suggest that the 'bottom-up' approach to implementation captures the reality of managing policy implementation networks from the level of the individual through to the 'top'. In this study, the 'top' is the CoP.

Interestingly, coming as they do from the 'public management/administration school', at no point do Hanf and O'Toole (1992) acknowledge the extensive research on approaches to implementation, including the 'bottom-up' approach, that has been undertaken by scholars of public policy implementation such as Pressman and Wildavsky (1973), Bardach (1974), Elmore (1979) and Mazmanian and Sabatier (1989), except for a passing reference to the role of 'fixer' (Bardach, 1974) as mentioned previously.

The value of interorganizational theory as an analytical framework for my implementation research, is that it links all levels of an implementation network from the individual in a local community through to the CoP. This spread of actors from the local to the international level, gives some idea of the range, diversity and complexity of the interactions and linkages that an international treaty secretariat has to coordinate and manage. The relationship between the individuals who form a network and the organizational entities to which they belong, is central to the notion of 'implementation structure' as originally developed by Hjern and Porter (1981). Hjern and Porter go on to argue, and I agree, that the group dynamics of the individuals representing organizations are as important as the strategies of organizations *per se* to the analysis of institutional linkages among the different relevant actors. To my mind, this is where interorganizational theory comes into its own. That is not to say that individuals act as totally free spirits within the network. Rather, they act as representatives of organizations. Kaufman (1986:16) in Hanf and O'Toole (1992) has this to say about organizational representatives:

> Insofar as persons interact as representatives of organizations there will always be three frames of reference operating in the mind of the actor: the frame of reference of the individual actor as a person; the frame of reference of the organizations he is representing; and the frame of reference of the interaction he is participating in.

As Hanf and O'Toole say, the advantage of the network concept is that it enables us to stress the interrelatedness and interdependencies, the linkages, between separate actors without assuming that these are integrated around a set of common objectives as implied by the systems concept. Having said this,

they go on to point out that there seems to be a qualitative but gradual distinction between those actors who are linked in a goal directed activity and those who, out of a concern for their own self interest, follow these activities either defensively or in a supportive manner. Stakeholders in international conventions belong to both groups of actors, although some degree of commitment to joint action, as demonstrated in the legal obligations that accompany the ratification of convention, is a minimum precondition for inclusion.

In summary, the findings from my previous research on secretariats (Sandford,1992; 1994; 1996) certainly indicated the need for an analytical framework that had the capacity to pick up actors at all levels of implementation, the interactions and the history of the interactions, among them. From the interviews I had conducted it was apparent that the organizational success of a global environmental treaty secretariat depended to a significant degree on the relationships its personnel formed with individuals, as well as with organizations, both within the formal boundaries of the treaty system and beyond. Secretariat relations with members of other relevant networks such as the networks of non-state actors and domestic policy actors, were seen to be significant factors in secretariat success and organizational survival.

It was also clear from these interviews that although there might be a formal policy structure or network in place, that did not mean that implementation proceeded smoothly. It appeared to me that it was largely the actions and initiatives of secretariats acting as network managers and brokers that were the glue that held the disparate pieces of the implementation puzzle together and helped the treaty progress towards compliance

Network Management Constraints

Network management is not smooth sailing. Network managers face a range of constraints or obstacles which they must overcome to be considered successful as organizational performers in assisting treaty members to achieve policy implementation and compliance objectives.

Mandell (1990) cites three categories of constraints confronting network managers in interorganizational networks. They are: compatibility of network members; the environment for resource mobilization; and the social and political environment of the network.

According to Mandell (1990:37), the primary problem for the strategic management of an interorganizational network, is how to meet an overriding interorganizational goal (or set of goals) while at the same time allowing each organization (government) in the network to also meet its own interorganizational goals. The first step is to establish a basis for agreement. In the context of an international agreement, the treaty text provides the basis for agreement of members to an underlying theme otherwise known as the "megagoal", for example, the wise use of wetlands. The network management problem then is how to deal with the problem of achieving this megagoal goal. The key is for managers to develop and/or encourage the members (and other relevant stakeholders) to develop a process or series of processes whereby the members can negotiate their way towards the megagoal.

Public policy implementation is thus an ongoing negotiation and renegotiation process and trade-offs between means and ends are part of the negotiations. Policy implementation is a dynamic process, and while there may be no clearly defined end-point as such, all actors are expected to strive towards achieving the convention objectives, the megagoal.

Managers in interorganizational networks rely on what Porter and Warner (1979) cite as the importance of values, ethics and beliefs, and the smooth running of the network depends on the degree of congruence between members of the network. In turn, the value of congruence in any one network depends on the degree to which trust and respect can be established among members of the network. Where there is polarization and fragmentation among network members, management is obviously more difficult than when there is a greater degree of congruity.

The less the degree of value congruence in a treaty system, the greater the likelihood of conflict, and the greater the need for strategies and processes to

prevent, minimize and resolve value and other differences in the interests of achieving the megagoal. Value differences are perhaps most clearly demonstrated in conventions such as the FCCC where there are major differences between groups of members, in particular between the developing and developed countries over the issue of global warming and regulations for the control of greenhouse gas emissions.

Interorganizational theory also highlights the importance of the roles of individuals in network management.

> Since it is not usually total organizations, but strategic members within organizations, that are involved in an interorganizational networks, individual relationships become a critical component of network management. The establishment of relations is based on professional relations within a total system of management networks of which managers are members (Wright 1983).

Significant relationships among individuals are formed when the individuals representing organizations or parts of organizations in the policy network interact during implementation. Most often these interactions form among the boundary-spanners in each organizations who, over time, frequently establish both professional and personal relationships based on trust, respect and mutual confidence in carrying out their tasks as boundary-spanners. As my research found, it is not uncommon for relationships among key individuals (as distinct from organizations) which start out as mutually advantageous professional relationships, to be transformed over time, into more personal relationships as trust develops among individuals working together towards a common objective.

It is through interactions such as these that 'bargaining arenas' are created (Pressman, 1975). However agreements reached through these bargaining arenas are often tempered by the degree to which members have access to needed resources (national capacity) Mandell (1990;40). Porter and Warner (1979) refer to this as the resource mobilization environment.

The second network management constraint identified by Mandell (1990) is the resource mobilization environment. Members of an interorganizational network identify resources within a total field, and within this field members

develop strategies to mobilize resources. According to Mandell (1990:40), Porter and Warner found that public administrators build a "gestalt" (or understanding) as to which tasks will be performed by which organization and from where the resources will be drawn. This "gestalt" is a personal understanding or consensus by the leaders in an interorganizational network. Since resources are generally scarce, members must rely on their ability to influence others to obtain these resources. Effective network management therefore relies on members' ability to influence others in horizontal as well as in vertical or hierarchical relationships. To accomplish this members will need to build pockets of commitment both within and outside the network.

In treaty networks, secretariats build pockets of commitment via alliances for mutual gains with state and non-state actors. To build relationships, commitment and support for additional organizational resources, secretariats use the bargaining arenas formed when assisting nations with capacity building, and when managing implementation tensions and conflicts.

The third constraint Mandell identifies is the social and political environment. Of major importance in studies of interorganizational networks is the idea that power is derived both from the internal network structure and the external linkages of network organizations. This is highlighted by Benson (1975) where he describes interorganizational networks as a "political economies". According to Benson (1975:233), organizations in an interorganizational network gain power in two ways. One is through the" centrality" of their functions to the network (that is, their control of resources) The second is through the linkages of organizations to a larger pattern of social organizations.

In relation to treaty networks, I have difficulty with Benson's equation of power with functional centrality and control of resources. A secretariat's functions and institutional position are definitely central to the network but a secretariat does not have control over its resources, at least not formally. However, to take up Benson's second point, secretariats endeavour to compensate for this formal lack of power by developing formal and informal linkages (alliances) with stakeholders, and by controlling and managing

communication and information flows. My research suggests that these management strategies are fairly successful as sources of *de facto* power and influence.

As Mandell (1990) notes, Benson's work points to the ability of an organization to build pockets of internal and/or external support which can have a major impact on the control of the network by one dominant member or group of members, such as a wealthy member country; a developed country bloc (G7; or a developing country bloc (G77). Since each member is relatively autonomous/independent of all others, building these pockets of commitment (or alliances) can be a major determinant of effective network management. However they can also led to major areas of conflict.

Patterns of conflict are an essential feature of a network and a major constraint of network management (Mandell 1990). Conflict among organisations is seen as an inevitable outcome of the interdependencies among them (Asseal, 1969; Brown, 1983 in Mandell, 1990; and Buntz and Radin, 1983). As Buntz and Radin argue, the inevitability of conflict means that it must be "actively managed", but this is not necessarily an obstacle. Buntz and Radin are of the opinion that it is more valuable for managers to view conflict as having positive or constructive outcomes, than it is, for them to focus on the existence of conflict as an obstacle or as an indicator of implementation failure.

According to Mandell (1990), recent articles on both conflict management and interorganization studies focus on the more positive aspects of conflict. She comments that numerous authors have demonstrated that a model based on bargaining and negotiation has been useful in managing relations in the US domestic intergovernmental arena (for example, Calista, 1986; O'Toole and O'Toole, 1981; Richman, White, and Wilkinson, 1986; in Mandell, 1990). The key idea of the bargaining model is that all parties need not agree, but the network is maintained because all parties agree that is mutually beneficial to maintain it. The focus is on trade-offs, compromises and coalition building (Mandell, 1990:42).

This approach contrasts with the more negative focus of the legal negotiation and dispute resolution literature which views conflict and disputes as negative situations which must be resolved. I believe that the contrast of these two approaches to the framing of 'conflicts' is instructive for network managers, as the way in which a problem is framed will determine an organization's 'conflict management mindset' and its approach to the management and resolution of network conflicts and disputes. Consequently it is better for network managers to anticipate and accept patterns of conflict as a fact of interorganizational life and manage strategically with this in mind.

Comparing Network Management Constraints

The managerial constraints identified by Mandell correspond fairly well with the constraints on IOs identified in the international relations literature and in my earlier studies (Sandford, 1992;1994; 1996). The six categories of secretariat constraints that I have identified are: political constraints; financial constraints; availability of resources; social and cultural considerations; organizational loyalties and leadership; and implementation conflicts. Implementation conflicts occur between and among member countries; between members, IGOs and NGOs; in-country disagreements between governments and domestic NGOs; and, in-country competition for resources and policy priorities among national bureaucracies each of which claims responsibility for implementation at the domestic level.

Mandell's three categories of network management constraints (member compatibility, resource mobilization and social and political environment) approximate those I have identified. However, in this study I use my classification of organizational constraints, as they are more precise; they have been developed from empirical research and field-tested in global treaty network; and they appear inclusive of Mandell's key points.

My reasons for this decision are as follows. First, in the case of treaty networks we need to consider the term 'member' more broadly than the formal term as it is used in the treaty text where it refers to the member governments of states which have ratified a convention. In a network

management, 'member' also includes non-state actors (in addition to member governments) whose cooperation is essential for effective implementation.

Second, my field research, revealed two significant types of resource mobilization constraints - financial constraints, and organizational capacity and management constraints. This breakdown more directly reflects the sorts of problems faced by secretariats in meeting their responsibilities. Organizational capacity includes the availability of administrative resources such as personnel, time and technology.

Third, Mandell's 'social and political environment' is too broad a grouping for my purposes. Mandell's term could presumably include what I have identified as: social and cultural constraints (internal and external diversity); implementation conflicts; and political constraints.

Finally, at no stage does Mandell (1990) appear to consider internal organizational factors such as organizational loyalties to be a potential problem. I presume this is because her interorganizational focus is just that, inter (not intra) organizational. Yet an individual's loyalty to her/his organization may be a factor in task and role performance, particularly where that individual is a boundary-spanner. Problems with an organization's leadership, or lack of leadership, may also act as constraints on its performance.

Network Management and International Conventions

Network management is a way to manage change and to change stakeholder behavior. To assess the influence or the policy effect of the actions of a network manager, we must be able to determine the nature of this effect; whether the effect is positive or negative; and to what extent it has an impact on implementation outcomes. That is, we need to determine that the behavior of actors in a given network has changed as the result of specific network management strategies adopted or actions taken by the network manager.

In the absence of studies and documentation on the network management strategies of international convention secretariats, primary data collected from personal and telephone interviews with a range of actors in each network provides the empirical data needed to substantiate my contention that secretariats as network managers are more influential than most governments and scholars believe. Attempts were also made to corroborate primary data using paper trails of convention recommendations and resolutions. Paper trails included the resolutions and recommendations of Standing Committees and CoPs, many of which are now available on the internet. However, evidence of negative or critical incidents and reports relating to secretariats was more difficult to obtain than expected. This is discussed in Chapter 7.

In this context, my analysis concentrates on the operational problems of managing strategically in a structurally complex interorganizational setting, and on the network management role of the activist or multilateral broker (MLB).

There are two basic implications of this approach for secretariats (adapted from Mandell,1990).

First, network management implies the need for the manager of a network to actively manage interdependencies (Buntz and Radin, 1983) rather than adopting a laissez faire approach to management. We therefore need to modify intraorganizational management ideas about the ways in which organizations use strategic management to establish control over their environment, as the ability and skills required to effectively manage a 'field' of organizations, differ substantially from those required to manage within an organization.

Second, the linkage between strategy formulation (treaty negotiation) and strategy implementation (treaty implementation) is less clear when managing in an interorganizational network. Unlike the intraorganizational perspective, a manager's ability to correctly analyse the environment, in and of itself, will not be the overriding determinant of whether her or his strategies will prove effective. Instead, the strategic management processes of

mobilizating stakeholder behavior and marshalling organizational resources in order to first create a more viable environment, will dominate behaviour in an interorganizational network

Managing Conflict as a Constraint

Finally, to illustrate network management in action in an international setting, I shall describe the conflict management and dispute resolution approaches of secretariats acting as passive and activist network managers, fixers, brokers or multilateral brokers in interorganizational networks. As noted above by Mandell (1990) and Buntz and Radin (1983), patterns of conflict are inevitable obstacles to effective network management and they need to be 'actively managed'. My previous research appeared to indicate that secretariat approaches to conflict management reflected their organizational 'conflict management mindset' and their attitude to their role as a network manager. That is, their approach to managing network conflicts, acted as a barometer of secretariat activism or passivity and the extent to which an organization was prepared to use initiative and to take risks to manage and resolve network conflicts in order to secure treaty objectives, and to establish and maintain its organizational authority and power in the network.

Activist secretariats consciously and strategically use what they regard as network management strategies, diplomatic processes and skills, to avoid, defuse and resolve tensions that emerge among stakeholders. In this capacity they perform the role of multilateral broker, activist broker or intermediary. So, when an activist secretariat or its representatives acts as a broker or intermediary to manage patterns of conflicts and resolve disputes in a treaty network, it is also actively managing its network to overcome the potentially negative impacts of conflicts as interorganizational network constraints.

In contrast, passive secretariats such as CCAMLR are far less likely to demonstrate initiative in taking up conflict management strategies. Instead, passive secretariats tend to stick to conservative and approved network management practices which focus on the performance of their core tasks such as servicing meetings of the parties and preparing documentation as requested.

PART 2: APPLYING THE THEORY

In this section I review Jonsson's (1986) framework as a starting point for explaining network structure and performance in complex multilateral networks. I chose Jonsson's model as it seemed to be the most appropriate interorganizational framework for my purposes and it had been field tested in an international issue-area. Its limitations proved to be its inability to deal with detail when it came to determining precisely *how* lynch-pin organizations such as secretariats actually dealt with the constraints they encountered in managing their networks and how they exerted influence. The limitations of Jonsson's model are further examined in Chapter 8.

Understanding and Applying Jonsson's Framework (1986)

Jonsson's framework (1986:39) emphasises the pivotal role of what Jonsson and other European scholars call 'linking-pin organizations' (known in the US as 'lynch-pin organizations'), and what he calls 'boundary-role occupants' (known in the US as 'boundary spanners)', within international organizations in transnational networks. In this study I shall use the terms 'lynch-pin organization' and 'boundary-spanners'. Jonsson then identifies a set of issue-specific and organization-specific factors which he asserts account for variance in network structure and performance.

The populations of organizations of interest to Jonsson are known in international relations literature as issue-area networks. In the context of my study, an issue-area is a field of interest or concern to a population or set of organizations-national, subnational and international. International aviation, wetlands of international importance, Antarctic marine living resources, global climate change, and the conservation of global biodiversity are all issue-areas. It is possible, at least theoretically, to identify a set of organizations or interorganizational networks which tend to become involved in the preparation, making and implementation of decisions within an issue-area, and which maintain direct or indirect links with each other (Jonsson, 1986:43). Jonsson refers to this set of organizations as a *potential* network. The part of the network that becomes operative in the

handling of a specific issue, he labels a *mobilized* network. Jonsson's acknowledges that this conception parallels Hjern and Porter's (1981) notion of 'implementation structures' which were discussed in Part 1.

My study focused on mobilized networks, issue-areas bounded by the formal legal arrangements of an international convention. International agreements or conventions, are considered to be mobilized networks, that is, governments have agreed to mobilize their resources and to commit to taking positive action in relation to a specific issue of international concern or interest. CITES members are committed to taking action to control and manage the international illegal trade in endangered species; Ramsar members have agreed to conserve and wisely use, wetlands of international importance; and CCAMLR members are united by their objective to conserve Antarctic marine living resources. Where there have been expressions of general concern, but no or very little organized activity (mobilization), these issue-areas remain potential, as distinct from mobilized, networks. The protection and sustainable management of global forests is an issue of international concern, but countries remain unable to agree on the form that a legal agreement and mobilization might take.

As Jonsson notes (1986), networks are constructs created by researchers to guide analysis and "interorganizational networks are identified by tracking down all of the ties binding organizations in a population defined and explicitly bound by an investigator" (Aldrich, 1979,:324 in Jonsson, 1986:41). Transnational networks, like other networks, are made up of actors and relationships or transactions.

Actors in a transnational system such as an international convention include both public and private organizations, and the individuals who act as boundary-spanners at the interfaces of these organizations where they link the organization with its environment. As Jonsson (1986:41) comments:

> National and organizational networks typically include both private and public organizations and therefore have to operate concurrently in markets and hierarchies. In other words, network analysis encompasses entities which are usually studied in separate analytical frameworks (Hernes, 1978; Hjern and Porter, 1981). This applies, a fortiori, to transnational organizational networks where national networks of private

and public organizations constitute subsystems, and where intergovernmental as well as non-governmental international organizations (IGOs and NGOs) typically participate.

It is one thing to identify the organizations that make up a network. However, where organizational theory and international relations literature are deficient in analysing the influence of organizations on international policy outcomes, is that they persist in using the organization and the nation state as units of analysis, even though scholars such as Cox (1969), and Young (1991) note that leadership and individuals as organizational leaders, can have a significant impact on organizational success and failure.

Interorganizational theory, on the other hand, recognizes that individuals as well as organizations can play a significant and influential role in an interorganizational network; that individuals are in fact the 'stuff' that organizations are made of; and that in their capacity as organizational members or representatives, individuals perform tasks which have an effect or impact on the consumers of those tasks. As Jonsson (1986:41) comments, participants in networks are not organizations in their entirety but they occupy certain roles in their constituent organizations:

> ....We should not forget that organizations, as such, do not interact with the environment. Individuals do the interacting, and they do it within a greater or less detailed framework of role demands, role expectations, role conflicts, and resultant role stress. (Jonsson, 1986:41 quoting Organ, 1971:80)

The interface between organizations consists of what Jonsson calls 'boundary-role' occupants (boundary-spanners). Jonsson suggests that boundary-role occupants, are typically susceptible to a high degree of role conflict. They often get caught in the cross-fire between divergent role expectations of their own organization and those of other organizations, as well as between varying role conceptions of their own constituents. As 'activist brokers' between their own organization and its environment, boundary-spanners must represent not only the organization to the environment, but also represent the environment to their own constituents. They are therefore more likely to be aware of the inadequacies of their organization and to become agents of change.

In relation to boundary-spanners and secretariats, Jonsson says the following:

> Boundary-role occupants may be found at various levels of national organizational structures. In international organizations they are typically found within the secretariat. National and international boundary spanners alike are predominantly bureaucrats......Boundary roles do not necessarily follow formal positions, and boundary-role occupants constitute only a fractions of national administrative units and international secretariats (1986:42).

Network management is about managing change and in a multilateral treaty system network management it is carried out primarily by the boundary-spanning personnel of secretariats including the executive head, scientific, legal and other expert (professional) personnel, and key executive support personnel such as the administrator/funding manager of the secretariat, and public relations personnel.

Those forms of communication known as bargaining, negotiation, and coalition building are the lifeblood of all IOs. IO survival depends on an organization's ability to communicate effectively under pressure in a myriad of forms, with diverse and often difficult stakeholders, on issues of great complexity and in conditions of uncertainty and change.

As Jonsson notes,

> One important source of interdependence [among actors in a network] is the fact that transnational networks normally consist of formally autonomous organizations with diffuse accountability and division of responsibility rather than hierarchically ordered organizations with fixed accountability...... Therefore decision making as well as implementation typically requires the participation and coordination of several organizations at both the international and the national level. As a result... bargaining and coalition between participant organizations are prevalent processes in transnational networks...... (1986:42)

It should not be forgotten that when we talk of 'organizational survival' what we really mean is that the survival and growth of an organization, especially a lynch-pin organization, depends on the skills of its personnel, notably the communication skills of those personnel in boundary-spanning roles. While responsibility for an organization's communication with its environment rests primarily with its executive head and professional officers, in small organizational units such as environmental treaty secretariats, an intraorganizational emphasis on multiskilling means that

administrative and public relations staff also need to have excellent communication skills as they interact regularly with stakeholders. In fact they often stand-in for professional personnel when professional personnel are absent from the office on missions. This is usually an informal in-house practice to overcome resource constraints associated with personnel shortages. However it works to good effect in many resource-poor organizations, and there are always professional personnel on hand to assist, if necessary.

Lynch-Pin Organizations

The concept of lynch-pin or linking-pin organizations is central to the study of interorganizational networks.

> Linking-pin organizations that have extensive and overlapping ties to different parts of a network play the key role in integrating a population of organizations. Having ties to more than one action- set or subsystem, linking-pin organizations are the nodes through which a network is loosely joined. (Aldrich and Whetten, 1981:390) in Jonsson, 1986).

As Jonsson (1986:43) goes on to say, lynch-pin organizations occupy central positions in terms of being reachable from, and able to reach, most of other organizations in the network. Thus, lynch-pin organizations may serve as communication channels between organizations in the networks, may link third parties to one another, and may actively direct behaviour of other organizations or coalitions. In short, lynch-pin organizations tend to occupy broker roles in networks (Aldrich, 1982:288-91 in Jonsson, 1986). This concept is akin to Mandell's concept of the network manager's multilateral brokerage role.

As both Mandell and Jonsson point out, the position of the lynch-pin organization and network manager are seldom based entirely on formal authority but rest in large measure on their ability to manipulate network characteristics by mobilizing coalitions around specific issues or marshalling behavior to support or change the treaty norms. Jonsson goes on to say, that lynch-pin organizations seem to face the same dilemma as 'unauthorized mediators' in international negotiations. Their ability to serve as impartial brokers is often complicated by their obvious self-interest in the issues under

deliberation, making other actors uncertain whether their interests are being mediated or manipulated. However, a qualification is warranted here. As Susskind and Babbitt (1992) found, a degree of organizational or party self-interest is expected. It is more a case of finding someone the parties believe can assist them. As I found, in many cases that 'someone' is the secretariat.

Applying Jonsson's Framework

Jonsson identifies two sets of background factors which he argues account for variance in network structure and performance, specifically the ability of the boundary-spanners of an organization to assume and maintain a lynch-pin position and use the network to influence other actors. In the first instance Jonsson distinguishes between issue-specific (treaty specific) and organization-specific (secretariat specific) explanatory factors. Issue-specific factors include both *issue- area* and *regime* characteristics.

Jonsson identifies four issue-specific factors: issue-area; issue-structure; issue-setting; and regime;

Issue-area. It is a common assumption in public policy and foreign policy studies that different types of issues evoke different sets of behavior. Public administration and IO literature suggest that issue-areas or policy arenas, can be distinguished according to their technical complexity. The more technically complex the issue-area, the more potential leverage national or international administrative units are expected to have by virtue of their technical expertise. IO literature further notes that international secretariats are not allowed to play a significant role in issue-areas which touch upon 'high politics' and involve, directly or indirectly, state security (Jonsson, 1986:44).

Issue-structure. This is a concept used by Keohane and Nye (1977) to denote the distribution of capabilities among different actors in a specific issue-area. Jonsson (1986:44) found this a useful concept, specifically the degree of concentration and polarization of issue-specific capabilities among state actors (hegemonic, polar or fragmented issue-structure), as it seemed relevant to the possibility of international organisations assuming lynch-pin positions.

Hegemonic and polar issue-area structures, where issue-capabilities are concentrated in one or a few states, can be expected to allow less room for manoeuvre by international organizations than fragmented ones (Cox, 1969:229 in Jonsson, 1986:44).

Issue-setting (which approximates issue-framing in the US policy context), denotes the environment in which a specific issue evolves. IOs are typically forums for discussion, negotiation, bargaining, conflict management and dispute resolution efforts.

> From the viewpoint of a prospective linking-pin organization, it obviously makes a difference whether the issue involves-and is dealt with in-pluralistic open or authoritarian closed societies. The ability of an international organization's boundary role occupants to reach into, bring to bear within, a given country depends on access to-and intelligence concerning-influential domestic groups; in other words, it implies a pluralist polity (Jonsson 1986:44).

He goes on to quote Cox (1969:230): "the prospects of system change through the agency of international organizations and their executive heads would seem to be linked with the progress of pluralism in polities"

As I discuss in Chapter 7, these comments are pertinent to my findings that the extent and nature of in-country (domestic) penetration by international treaty secretariats, ostensibly in pursuit of treaty implementation objectives, is more substantial and more varied than scholars and governments recognize. However, different network management strategies are used in different political systems. In the pluralist systems of the Western, developed country, democratic mould, secretariat in-country penetration is achieved primarily by using long-standing, formal and informal collegial networks of national and international bureaucrats, and informal networks of scientists, NGO and industry representatives. In developing countries, or countries with less open or less stable political regimes, and fewer or less well organized non-state networks, domestic capacity building as a legitimate secretariat activity is a useful vehicle for these organizations to achieve treaty compliance objectives while informally monitoring national performance, and building relationships within a particular country. Capacity building is generally perceived by the recipient country and by the secretariat as a positive (and acceptably intrusive) task, as distinct from a critical analysis of

national performance reports by the secretariat. For IOs, the positive relationships which develop when they assist countries with capacity building, are a very useful organizational survival tool. A secretariat can, informally, seek the voting support of a recipient country to obtain additional organizational resources to carry out its capacity building tasks.

Regime. The definition of an international regime has been attempted by numerous scholars of international relations including Krasner (1983); Keohane and Nye (1977); Haas (1990); Young (1989); and now Jonsson (1986) as: "principles, norms, rules, and decision making procedures around which actor expectations converge in a given issue-area". Regimes vary with respect to explicitness, adherence, and stability. In general, an explicit regime such as an international environmental convention, is based on written legal documents, which designate a specific organization as the central decision making forum or even the regime caretaker. A regime which is adhered to by a large majority of states and which remains relatively stable, appears to maximize the potential for that particular organization to effectively assume a lynch-pin position. However, the worst kind of regime from the viewpoint of a prospective lynch-pin organization, is probably an explicit, stable and widely adhered to regime which does not bestow any significant role upon its lynch-pin organization (Jonsson, 1986:45)

To sum up. I find Jonsson' explanation of lynch-pin organizations confusing. It is not clear whether he is referring to secretariats or to CoPs in his comments about the advantages and disadvantages of different kinds of regimes for lynch-pin organizations. Both secretariats and CoPs are, in practice, lynch-pin organizations. However they have very different responsibilities, authority and power, and presumably the effects on each of different kinds of regimes would also differ.

Aldrich and Whetten (1981: 398) identified several network variables They are: density, loosely joined relations, reachability, distance, hierarchy and centrality. These concepts were adapted by Jonsson (1986:450) who describes them as organization-specific variables or background factors which account for variance in network characteristics and performance. Jonsson then goes on to identify five organization-specific factors which he claims impact on

secretariat performance. They are: reachability; mobility; conspicuousness; constituents; and leadership.

Reachability. In network analysis this term refers to the direct or indirect path between two elements (Aldrich and Whetten, 1981:398). In order to assume an effective lynch-pin position, an organization needs to have a location in the issue-specific network which allows it to reach, and be reached by, other important organizational actors. The more direct and indirect, formal and informal links an organization has with its treaty actors, the more these linkages and relationships can be expected to enhance leverage of the prospective lynch-pin organization (Aldrich, 1979: 336). For example, treaty secretariats use their position as a lynch-pin organizations, task performance, and their roles as boundary-spanners to increase their reachability and thus their leverage. The question for researchers is: How can 'reachability' be measured ?

Mobility. Distance in terms of costs of transportation and communication is normally considered an environmental constraint on organizational action. In times of resource shortages, organizational travel budgets are the first budget items to be cut. The extent to which an organization is able to overcome this constraint and to 'be present' at the deliberation of other actors through either personal travelling (missions) or communication media (telephonic and electronic media such as e.mail or fax), is of obvious significance in its ability to assume a lynch-pin position. To overcome distance and mobility constraints, contemporary secretariats make extensive use of electronic media to obtain the information required for reporting and monitoring. CCAMLR is reliant on satellite surveillance systems to obtain fisheries management data to supplement the fishing logs maintained by the skippers of individual vessels. Logs are notoriously unreliable and entries are frequently falsified.

However, the question that remains for researchers is: How to benchmark 'mobility' ?

Conspicuousness. The brokerage role of a lynch-pin organization is facilitated by a relatively low profile, quiet diplomacy and persuasion rather than a

confrontational stance. A high profile (conspicuous) organization, which attracts a lot of public interest and media coverage and is a matter of controversy, seems less equipped for a lynch-pin position. Parties do not want a high profile secretariat. They are concerned that if their secretariat were perceived to be more successful than they in dealing with conflict, it would undermine their glory and would threaten the parties' individual and collective sense of power and authority as the decision makers of the system. For a resource-dependent organization to assume a high public profile it must be confident that it has the support of powerful allies in the network. Once again, Jonsson's criterion leaves a question. In this instance: How does a researcher measure 'conspicuousness'?

Constituents. As Jonsson notes, the balance of capabilities between the boundary-spanners of an organization and their constituents is another factor of importance. An organization's dependence on funds from its constituents can give those constituents predominant influence at the expense of boundary-spanners. It is also a common notion that international secretariats may derive influence from their technical expertise. McLaren (1980) concludes that since the constituents (governments and government agencies) of these organizations share technical expertise and maintain a monopoly of political expertise, they will normally not allow the international secretariat to play a political role. However, and as mentioned in Chapter 1, McLaren's research emphasis was on the intraorganizational workings of the large secretariats of UN programs whose growth poses a potential threat to governments. In contrast, although all of the treaty secretariats I studied are small cells of expertise, they frequently play key political roles in treaty implementation.

Leadership. Strong leadership is often considered the key to the leverage of an international secretariat (Cox, 1969; Young, 1991). In addition, for a prospective lynch-pin organization it appears important that boundary-spanners occupy the most central rather than the peripheral positions within that organization. Again, Jonsson, Cox, and Young are referring to large IOs. In the smaller treaty secretariats, boundary-spanners are less likely to be marginalized as there is less of a distinction between central and peripheral personnel. The reasons for this relative lack of differentiation appear to relate

to organizational size and the need in a small organization for everyone to contribute as and where they can.

In summing up, (Jonsson, 1986:46) reminds us that these organization-specific categories are obviously interrelated, and they refer to *access* (reachability, mobility), *style* (conspicuousness), and *resources* (constituents, leadership) of the boundary-role occupants of an organization.

Some of the difficulties of applying Jonsson's framework to my three case studies Ramsar, CITES and CCAMLR are evident in Table 1. At first glance, it appears that all three conventions exhibit a high degree of technical complexity and low politics; second, there appears to be a low degree of polarization in each network and power is fragmented; each secretariat is allotted a specific role; and finally, the network environments are primarily pluralist polities.

Table 1:
Network Structure and Performance of Ramsar, CITES and CCAMLR Secretariats (after Jonsson, 1986):

Variance Factors   **Environmental Convention Secretariats**

	Ramsar	CITES	CCAMLR
Issue-Specific Factors			
1. Issue-area Degree of: i. Technical Complexity ii. High/low politics	High Tech Low ÆHigh	High Tech Low ÆHigh	High Tech Low ÆHigh
2. Regime Degree of: i. Explicitness ii. Adherence iii. Stability iv. Role allotted to organization	explicit formally "high" stable significant	explicit formally "high" stable significant	explicit formally "high" stable significant
3. Issue-structure Concentration of power: i. Hegemonic ii. Polarized iii. Fragmented	on specific issues on specific issues generally fragmented	on specific issues on specific issues generally fragmented	on specific issues on specific issues generally fragmented
4. Issue-setting i. Pluralist polity ii. Authoritarian polity	√ √	√ √	√ √
Organization-Specific Factors			
1. Access i. Reachability ii. Mobility	Multiplex links High Presence	Multiplex links High Presence	Multiplex links Low presence
2. Management Style i. Conspicuousness	Low	Low ÆHigh	Low
3. Resource i. Constituents ii. Leadership	Asymetric distribution Central position	Asymetric distribution Central position	Asymetric distribution Central position

However, I have some comments to make on the limitations of Jonsson's framework as it might apply to international environmental conventions. First, most environmental treaties are technically complex with science and science-policy playing a key role in decision making to manage the global commons. While these treaties/issue-areas are currently 'low' politics in that they rarely touch on security issues, in the years ahead it is highly probable that their status will change as environmental security moves up the political agenda. The escalating issue of global and regional water shortages in Asia and Africa could well see the CCD move from an area of relatively low technical complexity and 'low' politics into the area of 'high' politics. When this happens, network management will become even more of a challenge for its secretariat, a challenge it should anticipate and for which it should plan.

Adherence is a difficult construct to measure for environmental treaties. If adherence means an official low level of non-compliance, then environmental treaties will always come in at the upper end of the adherence/compliance scale for the reasons discussed in Part 1, that is, 'shaming' , rather than formal disciplinary action such as sanctions, is the preferred way of dealing with violations.

Using Jonsson's model, it appears that the issue-structures of my case study conventions could be classified as 'generally fragmented'. However, this is not a consistent reflection of their status which can fluctuate over time depending on the conflicts they are trying to manage. For example, when CITES members debate conflicts such as harvesting ivory, and the FCCC debates targets and timetables for GHG emission reductions, these regimes often become polarized or hegemonic for the period of the conflict, with polarization along G7/G77 lines in the case of the FCCC, and concentrated in accordance with hegemonic capabilities in the case of CITES.

The issue-settings of member states vary considerably in many environmental treaty regimes. The international treaty as a developed country concept which emerged from the European legal tradition, presupposes that Western-style democracy will dominate in international treaty systems. International conventions appear to be couched with these

norms in mind. Since World War 11, the world has seen the dismembering of colonial regimes and more recently the end of the Cold War. It has also seen an influx of the resulting 'new' nation states into the UN system. Many of these 'new' states do not subscribe to European-style democracy and operate along more authoritarian political lines. So, environmental treaty regimes are now a mix of pluralist and authoritarian polities, as these states seek to join older treaties such as CITES and Ramsar as well as more recent ones such as the FCCC, CBD, CCD, Basel and even CCAMLR which is very much a specialist treaty with a regional focus although it is open for global membership. The mix of polities means that secretariats must be versatile network managers and use different strategic approaches to performing their tasks depending on the nature of a member's polity.

I found the organization-specific factors of Jonsson's framework more useful than his issue-specific factors, for examining the variables likely to impact on secretariat performance. It correlates well with the findings from my fieldwork. See Chapter 7. For example, looking at the secretariats of my three case studies it is clear that: the organizations have multiplex links with key actors; they maintain a 'high' presence at the deliberations of other actors by going on missions and through informal talks; their management styles are generally 'low profile'; there is an asymmetric distribution of political expertise in favor of boundary-spanners who can capitalize on the organizational memory, networks and expertise of the secretariat: and, the boundary-spanners occupy central positions in the secretariats.

Having now identified the key variables which are likely to affect the performance of secretariats as lynch-pin organizations in the political landscape of a multilateral network, what, if anything, is missing from Jonsson's framework, and what does this tell us about how secretariats manage their networks?

What Jonsson's framework still does not tell us, is *how* secretariats go about managing their networks and what *roles* do they perform in doing so.

Understanding and Applying Mouritzen's Roles

In this section I describe the IO roles identified by Mouritzen (1990) as they might apply to my case studies. Secretariats perform multiple roles in fulfilling their organizational responsibilities in treaty implementation. As Mouritzen (1990) emphasises, some of the roles may occur in all phases of the decision making process, that is, in the preparation, decision, and implementation phases. Comparable role constellations have been identified by Weiss (1975); McLaren (1980); and Jonsson (1986;1993). I have selected (and adapted) those identified by Mouritzen (1990) as they appeared to most realistically approximate the roles already identified by my previous research (Sandford, 1994). However, as my research found and as I analyse in Chapter 8, Mouritzen's role classifications are not without their limitations.

Adapting Mouritzen (1990:14-22), I identified two categories or constellations of roles - political and substantive (Mourtizen's equivalent term is 'substantial') roles - which are performed by secretariats in assisting parties with global treaty implementation.

Political Roles

Bridge-building roles

Bridge-building roles are harmonizing roles. When secretariats perform as bridge-builders, they are usually seeking to build harmony among the frequently diverging interests of the actors in a convention system. According to Mouritzen, bridge-building roles include:

<u>Conflict preventer.</u> This role aims to prevent disharmony (conflicts, disagreements) from arising. As Mouritzen notes, conflict prevention also encompasses actions in favour of specific convention policies or, negatively, against views that might threaten convention consensus. His findings were that the majority of secretariat bridge-building activities are directed towards member parties. However, secretariats may also seek to influence certain domestic political interests or parties in the 'correct' direction. Such intervention may technically violate the treaty system's rules (member states' sovereignty), but it can be done in a discreet fashion (Mouritzen, 1990:15; Sandford, 1996). Secretariat rationale for such action is that by

undertaking initiatives such as these, they are often able to prevent governments from being pushed into conflicts for domestic political reasons, and that their initiatives assist countries to meet their treaty responsibilities.

<u>Passive or active mediator.</u> Once prevention has failed and a conflict has become manifest as a dispute (though not necessarily to the public), a secretariat may be approached to act as an intermediary in disagreements among the parties. Less frequently, a secretariat may be called upon informally to assist a party with a conflict which occurs within a country, as between NGOs and a government on a specific implementation issue. According to Mouritzen, passive and active mediation occur in all three of the decision-making phases - preparation, the decision phase, and implementation.

According to Mouritzen, 'passive mediation' implies that a compromise is suggested by the ICS to the contending parties which is close to a weighted average of their initial positions. 'Active mediation' is described by Mouritzen as, mediation combined with initiative. Here, a secretariat proposes its own independent ideas for the management and solution of a conflict/disagreement. These ideas are *not* designed to be a weighted average of the parties' initial position. Instead the ideas can be based on the secretariat's conception of the treaty system's 'objective' common interests. In his words,

> Being an active mediator requires a stronger imagination, expertise, or authority in broader terms, than passive mediation....Whereas active mediation requires a certain prior authority on the part of the mediator, it will also, if successful, *further* enhance this authority (prestige) and, hence, influence capability of the ICS (Mouritzen 1990:15-16).

<u>Communication facilitator.</u> The communication facilitator brings together contending parties and/or passes information between them for the purpose of bridge building (Young, 1967 in Mouritzen 1990:17). It is a very common role for secretariats to play.

Boundary Guardian

The role of boundary guardian is essentially an organizational maintenance and survival role. Expansion, or at least maintenance, of an organization's boundaries, is a means to ensure an organization's growth (size), both in terms of personnel and in terms of resources in broader terms (task expansion or maintenance) (Mouritzen 1990:17). As Downs (1967:264) explains in Mouritzen: "The expansion of any organization normally provides its leaders with increased power, income, and prestige: hence, they encourage its growth...Growth tends to reduce internal conflicts in an organization."

Downs' comments relate specifically to national organizations, however Mouritzen goes on to argue that there is no reason to suppose that these tendencies should not also be widespread in the ICS, at least to some extent. He then adds that unlike the secretariat roles directed towards substantial values and to a lesser extent bridge-building roles, the role of boundary guardian is likely to be wholly self-designed. Mouritzen adds that it is always difficult to decide whether overt task expansion can be ascribed to conscious boundary maintenance, or to exogenous factors (or both).

Instrument for Powerful Treaty Member (-group)

James (1976:85-87) in Mouritzen (1990), describes IOs (and hence ICSs and secretariats) as 'depositories of legitimacy'. This means that they can borrow legitimacy from being part of a treaty system or acting as its agent in the name of a treaty system or its decision-making components. The more controversial the measures, the more eagerly this kind of borrowed legitimacy will be needed and sought by the IO.

Here a secretariat is used as a tool to serve the general policies of a powerful treaty member (or group of members), through instruction, anticipated reaction, or identification. In this capacity, a secretariat's autonomy is negligible or zero (Mouritzen, 1990).

Mouritzen cites the difficulties that this a role poses for a supposedly impartial body such as a secretariat when it is perceived by some interests in the system as being biased in favour of, or against, other stakeholders with

different interests or priorities. In the late 1980s the CITES Secretariat was criticised by some environmental protection interests in the convention as being pro-trade. They argued that the CITES Secretariat supported the industry position on harvesting ivory, and was thus in opposition to the protection of elephants and the objectives of the convention which prohibit illegal trade in endangered species of wild fauna, of which the elephant is one. More will be said about this issue in Chapters 4, 5 and 6.

Weiss (1986) in Mouritzen (1990:19), also described the dilemma between the instrument role and that of mediator that the UNCTAD secretariat faced when its ICS was perceived to be a loyal supporter of the G77 in the North-South dialogue. As Weiss commented the secretariat continuously vacillated between being a 'prophet' for development thinking and issues, almost always taking the side of G77 thinking, while on the other hand, it sought to be an active and non-partisan broker for negotiations attempting to find the middle ground for compromise required by developed countries.

However, this does not necessarily exclude the possibility that a secretariat can combine an instrument role on certain questions/issues, with an autonomous role on another issue. There may also be differences in role application among the individuals (in particular the boundary-spanning personnel) who make up the staffing profile of a secretariat.

Substantial Roles

According to Mouritzen (1990), 'substantial' roles are a means of realizing the treaty's (and the secretariat's), 'substantial' values. If carried out successfully, these roles can be instrumental in enhancing secretariat prestige, and what he describes as its own political values of organizational survival, autonomy and influence capability. For example, the CITES Secretariat performs a variety of 'substantial' roles to assist CITES members to regulate international trade in specimens of species of wild fauna and flora. While the 'substantial' roles performed by the Ramsar Bureau are to ensure the sustainable management of wetlands of international importance. Mouritzen identifies the following IOs 'substantial roles': treaty identity supporter;

initiator; operator/controller/observer; expert/coordinator; and treaty representative vis-a-vis non- members.

Treaty Identity Supporter

The purpose of this role is to safeguard the treaty values through a public relations effort for these values (that is, the treaty's *raison d'être)*, including information dissemination activities in treaty member countries on behalf of the treaty. Mouritzen suggests that if successful, this should deprive member governments of 'domestic arguments' for not being enthusiastic treaty supporters.

The identity supporter role may be carried out by the public relations arm of a secretariat and by its professional officers and its executive head acting as boundary-spanners, when they undertake official duties and when they travel on missions to member and non-member countries. It can be likened to 'flying the treaty flag'. The fact that secretariat personnel are employed by the parties collectively serves to underpin the organization's identity as a supporter of the treaty.

The role of treaty identity supporter and that of conflict preventer are closely related and both also imply a degree of penetration of the domestic political systems of member countries which many governments would argue encroaches on their sovereignty or their national autonomy. It also requires almost as a necessary precondition, that these political systems are reasonably pluralistic. This latter point is made by Jonsson (1986).

Initiator

In the role of initiator, the secretariat proposes its own ideas to promote the substantial values of the convention to member countries' representatives in the CoPs and various committee such as the Standing Committee; Scientific, Technical, and Implementation Committees. Mouritzen comments that as with active mediation, this role requires a considerable amount of creativity, expertise, or authority by ICSs. As mentioned previously, the CITES Secretariat is a good example of an activist secretariat whose personnel have

initiated a number of innovative programs to facilitate the implementation of treaty objectives. The initiation of a joint government-community caiman conservation project in Venezuela is such an example. See Chapter 6. (Pers. Com. CITES. 1995).

Other examples include: prescriptions and recommendations of implementation guidelines for a process that will normally be accepted by members (Ramsar wetlands management guidelines); the initiation of agenda setting for meetings, including the identification and collection of 'relevant' information and background material for meetings, such as writing reports and the invitation of experts to the meetings. Mouritzen comments that in all these circumstances, the occupation of the Chairman's post (by the IO) in relevant committees will be a crucial advantage.

In my view, Mouritzen's comments about initiation are closely related to the role of active mediator, for instance, a meeting agenda may come out of an active mediation effort by a secretariat representative acting as the chair of the meeting.

Operator / Controller/ Observer

Operator. Fieldwork in connection with the implementation of assistance projects in developing countries is an example of an operative role. For example, Ramsar Bureau missions to Central American countries provide expert technical, on-ground advice on wetland management projects.

Controller. Where member countries themselves are responsible for implementing common decisions (as is the case with most environmental treaties), a Secretariat may function as a controller, that is, it would control the carrying out of implementation in accordance with treaty aims, decisions, and procedures. An example of a secretariat with a controlling role is the IAEA (International Atomic Energy Agency) inspection of NPT compliance in member countries.

Environmental treaty secretariats are unlikely to perform controlling roles in treaty implementation as they have no enforcement authority. However they

certainly act as advisers on treaty requirements such implementation, monitoring and compliance processes and procedures.

Observer. Observation occurs when a secretariat simply registers national implementation, without the willingness or ability to interfere, even if the implementation is seen to be unsatisfactory. According to Mouritzen (1990:21), observation is the most common implementation role for an IO which is then impotent to follow up many CoP resolutions. The CCAMLR Secretariat's practice of ship-board observations of catch quotas is such an example.

Expert/ Co-Coordinator

Expert. The majority of the professional personnel of environmental treaty secretariats are employed for their particular expertise which is seen as critical to protecting and implementing the substantial values of the treaty. Secretariat expertise typically frequently encompasses the fields of science, law, policy, administration and economics. As professional experts, secretariat personnel provide expert scientific and legal advice to member countries, and they provide independent advice on the design of implementation processes. The development of wise use plans for wetlands by the Ramsar Bureau is an example of the latter.

Coordinator. Coordination refers to a particular type of expertise, the aim of which is to avoid inconsistencies (standardization) and duplication of activities. All secretariats act as network coordinators to differing degrees and in different ways depending on the issue-area, the treaty culture, and the role allocation of the secretariat.

Treaty representative vis-a-vis non-members

A secretariat may be allowed by its members, to represent the treaty *vis- a vis* non- members. This only happens in very limited areas, or when a secretariat is already powerful. For example, a secretariat may be permitted to discuss treaty objectives and requirements and to conduct exploratory talks with non-members in an attempt to encourage them to join. Such activity would

usually be closely overseen by the treaty members via the standing committee.

Table 2:
Application of Mouritzen's (1990) Roles to Ramsar, CITES and CCAMLR Secretariats

Secretariat Roles   **Environmental Convention Secretariats**

	Ramsar	CITES	CCAMLR
POLITICAL ROLES 1. Bridge-building a. Conflict Preventor b. Passive/Activist Mediator c. Communication Facilitator	√ Passive √	√ Activist √	Nil role √
2. Boundary Guardian	√	√	√
3. Instrument for Powerful Treaty member (-group)	X	X	√
SUBSTANTIAL ROLES 1. Treaty Identity Supporter	√	√	√
2. Initiator	√	√	very limited
3. Operator/Controller/Observer	operator	operator	operator
4. Expert/Coordinator	expert and coordinator	expert and coordinator	expert and coordinator
5. Treaty Representative vis-a-vis non-members	√	√	√

I am not aware of any other detailed studies of the roles of secretariat personnel, and in this respect Mouritzen's role classifications were a helpful starting point. That they were based on empirical data from interviews with international civil servants and national delegates was seen initially as an advantage, as one would hope they had a 'real world' flavour. However, as with the other scholars of IOs such as Jonsson, Mouritzen concentrated on large United Nations IOs, in this case NATO (North Atlantic Treaty Organization) as the basis for constructing a general 'issue- area model' to account for the roles and influence of international civil servants. Like Jonsson, Mouritzen also does not address the 'nitty gritty' of how secretariats, acting in these roles, influence policy outcomes, and in particular how they deal with the interorganizational constraints they face including the

management of conflicts. Nor does he distinguish between formal and informal roles and activities carried out by IOs, nor which of the roles are considered the most effective in terms of organizational performance.

Mouritzen's roles are not, however, mutually exclusive. A secretariat can perform different roles in relation to different implementation issues and within one and the same issue. By playing one or more roles, the secretariat contributes to the modification of actors' behavior. It exerts influence. The more roles played, the more influence is likely to be exerted, and certain roles exert more influence than others. For example, all boundary-spanners perform a wide range of roles, and 'active mediation' is more likely to change stakeholder behavior than 'passive mediation'. I found that in practice, the role classifications used by Mouritzen were excessively specialized and that to apply Mouritzen's classifications to small secretariats where role demarcation among personnel to the extent suggested by Mouritzen is a luxury, was totally impractical. I say more about this in Chapter 8.

In many respects Mouritzen's role classification clusters correlate with the multilateral brokerage clusters identified by Mandell. Mandell (1990:45) proposes that network managers acting as multilateral brokers mediate the coordination of a network by facilitating/assisting the linking of its structures, actors and interactions in the achievement of agreed collective objectives while not relinquishing, necessarily, individual organizational objectives. She suggests that the role of broker ranges along a continuum of shared power depending on the needs presented by the context of the network in which the manger is operating. At one end is the role of orchestra leader, a benevolent autocrat, and the orchestra/network basically follows the directives of the leader. At the other end is the laissez-faire leader she calls a mediator who merely ensures that <u>two</u> unrelated parties are able to consummate a transaction. At the center is the role of participative or democratic leader, the producer. In this role the leader plays a more active part as a result of having a stake in the outcome. However, this leader cannot achieve the outcome alone. The producer tries to ensure that all parties are happy with the process and will continue to support it, and the product must do this without stepping on the toes of important participants.

I find Mandell's clusters too simplistic for my purposes. Her activist/passive roles are insufficiently developed; they seem to refer to the mediated coordination of a limited number of parties (see above paragraph); they are untried in an international context; and they are not based on empirical data, which in my experience is essential in this field of research. They do however, corroborate Jonsson's, Mouritzen's and my own findings that network managers, in this case secretariats, perform a range of network management and brokerage roles on an activist/passive continuum.

The challenge for me now is do I, and if so how do I, adapt and apply these insights to an analysis of the roles of global environmental treaty secretariats in a way that will advance the theoretical frontier while at the same time giving a realistic picture of secretariat policy practice.

Summary

In Part 1 of this chapter I discussed the theoretical constructs which underpin my examination of secretariat tasks, roles and influence. The first set of constructs: implementation, performance, effectiveness, activist and passive secretariats, comes from the disciplinary streams of political science and international law. The second set of constructs, interorganizational theory and network management are relative newcomers theoretically (if not practically) speaking. These interdisciplinary concepts are used primarily by social scientists working in the fields of intergovernmental management and public policy. Interorganizational theory appears to have the most promise as an interdisciplinary framework, however, unlike the first set of constructs, its 'road testing' in the international arena has been limited to Jonsson's application to the issue-area of international aviation (1986; 1987), and more recently AIDS and human rights (1992;1993). As noted, Jonsson's framework for analysing network structures and the organizational performance of lynch-pin organizations has its limitations for my purposes as I need to look more closely at the tasks, processes and roles that secretariats, as lynch-pin organizations and network managers, use to exert influence in interorganizational networks.

I then considered Mouritzen's classification of ICS roles. His work appears to provide a very useful starting point for examining in more detail the cluster of roles that Mandell (1990) calls multilateral brokerage. A major limitation of Mouritzen's classification system is that it derives from his work on the organizational roles of large IOs, in particular NATO. As I discussed in Chapter 1, there are major differences of scale between large UN organizations and treaty secretariats.

A limitation of Mandell's activist/passive multilateral broker continuum is that it is does not readily translate to international issue-areas such as the environment. International environmental treaty networks are complex, multifaceted webs of actors and interactions rather than the vertical, horizontal or voluntary network structures described by Mandell (1990) in her US domestic context. In my opinion, her role clusters do not capture the multiplicity, diversity and complexity of the roles that I discovered in my previous field work, and that are described by Mouritzen.

From all of the above theory, I have distilled the following areas of agreement which I consider are the most important for understanding the impact of international treaty secretariats. First, treaty secretariats are the lynch-pin organizations of the treaty system and their boundary-spanning personnel play key roles in linking the organization with stakeholders in the formal and informal networks of the system. Second, the primary role of a secretariat is as the network manager of the treaty system. As network managers secretariats perform a range of multilateral brokerage roles to coordinate network structures, actors and interactions and to prevent and manage the conflicts that inevitably occur over the lifetime of implementing a treaty. Third, in carrying out their substantive tasks, most notably the three key tasks which are the focus of my study, secretariats appear to have a potentially significant impact on public policy implementation processes and outcomes. How they do this, that is exert influence, becomes clear in the following chapters.

CHAPTER 3: SECRETARIAT TASKS: TRANSFORMING THEORY INTO ACTION

Introduction

Understanding the theoretical concepts I advanced in Chapter 2 is crucial to understanding how international regimes work and why they are, or are not, successful. However, I also believe that a fundamental piece of the international effectiveness puzzle has been overlooked. Namely, a detailed examination of the tasks and network management practices of treaty secretariats as the organizations that drive and manage treaty implementation and compliance. Secretariat tasks serve as legitimate vehicles for policy implementation and secretariat influence, and the *roles* that secretariats perform in carrying out their tasks as either activist or passive organizations, as well as the *processes* they use to perform their tasks, are major determinants of the nature, extent and direction of the influence exerted by them.

For the purpose of this study as explained in Chapter 2, I have divided secretariat tasks into two categories, although I recognize that they are not completely separable. The two essential categories of secretariat tasks are: core tasks and substantive tasks. Core tasks are the executive support tasks such as servicing the meetings of the parties which are formally identified in the text. Substantive tasks are tasks assigned to, or acquired by, a secretariat subsequent to the original treaty text negotiations. Substantive tasks include the three key tasks which are the focus of this study.

PART 1: CORE TASKS

A secretariat's core tasks are defined in the original treaty text. Core tasks tend to be very similar across treaties. They are essentially the routine administrative tasks undertaken by all international secretariats, be they the secretariats of arms control, human rights, trade or environmental treaties, or the secretariats of large UN agencies and programs such as FAO, UNESCO, and UNEP. Core tasks are performed at regular meetings of the parties, and between meetings, that is, intersessionally.

Core tasks identified by Sandford (1994) include: arranging and servicing meetings of the CoP and other subsidiary bodies; the preparation and distribution of reports based on information received from the CoP and subsidiary bodies; the preparation of reports on secretariat implementation activities for presentation to the CoP; ensuring coordination with relevant international bodies and NGOs; liaison/communication with relevant authorities, non-parties, and IOs; the compilation of data/information, for example, scientific, economic, and social data, and the preparation of associated reports; and giving policy guidance and advice to the parties. CITES is the only international environmental treaty secretariat whose core tasks include the power "to make recommendations for the implementation of the aims and provisions of the Convention" (Article XII).

Intersessional core activities include: attending to routine correspondence; organizing the preparation and logistics of regular and extraordinary CoPs and their subsidiary bodies such as meetings of the finance, scientific and implementation committees; arranging delegate travel to attend these meetings; booking conference rooms; and preparing meeting agendas as instructed by the parties are some of the more mundane but fundamental of the core tasks.

At meetings of the parties, the professional personnel of the secretariat act as rapporteurs, and the administrative or general staff attend to the collation and distribution of documents and briefing papers. Professional and administrative personnel work closely together to ensure that a meeting progresses smoothly for the delegates. The core duties of all secretariat personnel, both at meetings and intersessionally, invariably involve much behind-the-scenes activity, such as the drafting, translation, printing and distribution of documents and publications; providing interpreting facilities for negotiation sessions at all hours of the day and night; and assisting delegates and other official attendees with their conference needs.

Secretariat staff must be unfailingly diplomatic in performing their tasks, and in dealing with the host of official and unofficial NGO, media and other participants, such as international, national and local observers, particularly

if the treaty has a policy of open access to documentation and to most plenary sessions, as have Ramsar and CITES. However even the performance of core tasks can be made more difficult where a convention's processes and decision making procedures are less transparent those of Ramsar or CITES, as is the case with CCAMLR.

CCAMLR's policy of 'non-Party' access to documents and attendance at meetings is unusually restrictive for an international treaty dealing with environmental matters. CCAMLR Secretariat members suggest that this attitude to 'outsiders' is historical, CCAMLR having its origins in fisheries (development) rather than in explicitly environmental concerns, in spite of its ecosystem management model of implementation. This policy of observer exclusion appears to have been further compounded by the long-standing, acrimonious relations between some CCAMLR Parties and several environmental NGOs, in particular, Greenpeace. CCAMLR's distrust of environmental NGOs may also have been fuelled by convention-NGO relationship difficulties experienced by two conventions with which CCAMLR has very close operational and institutional relations, namely the AT and the ICRW (1946 International Convention for the Regulation of Whaling,). A significant number of CCAMLR members are also members of the AT and the ICRW.

As a result of this distrust, gaining access to CCAMLR meetings and documents is virtually impossible for anyone not part of an official delegation or a representative of one of only two accredited INGOs, that is, ASOC (Antarctic and Southern Oceans Coalition) and IUCN. For example, as a legitimate researcher with MIT affiliation, I was welcomed as an observer at the 1996 Ramsar CoP6 and the 1994 CITES CoP9, but in 1995, 1996 and 1997 I was refused admission as an observer to the meetings of both CCAMLR's Commission and its Scientific Committee - even though my academic and professional credentials and previous research were well known to US and Australian delegation members, and to the CCAMLR Secretariat whose members I had already interviewed at length. In situations such as this, the CCAMLR Secretariat is repeatedly called on to explain (and defend) the decisions of its parties. Often, this rejection of interested participants provokes an adverse reaction and negative media coverage of CCAMLR's

apparent lack of transparency and effectiveness, and the Secretariat risks being perceived as a blocking bureaucracy.

There is a distinct commonality among international agreements in terms of secretariat core tasks. Treaties are legal instruments which build on (learn from) the experiences of other treaty regimes, that is, they set precedents. Lessons learned from the experiences of earlier treaties are frequently incorporated in the texts of subsequent treaties, setting precedents and expanding the base of core tasks so that the clusters of core tasks in international environmental agreements negotiated in the 1980s and 1990s are greater than those contained in the environmental conventions of the 1970s. An example of organizational learning is the inclusion of recommendatory powers for the CITES Secretariat in the CITES text, a move which built on the meagre provisions for secretariat operations in its predecessors Ramsar and WHC.

Similarly, drafting errors can be avoided, and omissions can be corrected. Major implementation problems created by the omission of dispute resolution and financial provisions from the Ramsar text, were avoided in drafting CITES, Basel and the Montreal Protocol, all of which include provisions for resolving disputes among the members, and provisions to fund a permanent secretariat and treaty implementation processes.

In general, secretariat core tasks are devoid of opportunities for a secretariat to display its executive initiative and creativity, or to demonstrate fully, the professional and specialist abilities of its personnel as scientific, technical, legal, policy, administrative, and financial experts.

Differences among secretariats become more evident when performance of their substantive tasks is compared. Not only do the types of substantive tasks differ among secretariats, but there are marked differences in the ways in which they carry out these tasks. As discussed previously, secretariat performance of substantive tasks as passive or activist organizations, exerts an influence on implementation outcomes. Some secretariats exhibit greater creativity and initiative than others in carrying out their substantive tasks.

In this way they exert a potentially greater influence on implementation processes and outcomes than others.

PART 2: SUBSTANTIVE TASKS

Secretariats do a lot more than just perform administrative support tasks. A significant proportion of organizational time, budgets and personnel, is devoted to carrying out substantive tasks such as: data collection and analysis; overseeing national reporting and performance review and assessment; assisting developing countries with national capacity building; and working with NGOs in monitoring compliance. The ways in which secretariats perform these substantive tasks, differentiate them as being passive 'servants of the parties', or active 'agents of influence'.

Substantive tasks are the implementation responsibilities which a secretariat is either formally assigned by the parties through decisions taken, or resolutions passed, in the meetings of CoPs and subsidiary bodies; or they may be informally acquired by the secretariat over time as a result of secretariat activities in pursuit of treaty objectives. That is, the repeated performance of informally acquired tasks by secretariats, establishes precedents for the ongoing carriage of such tasks and associated responsibilities, so that the parties, the secretariat and other stakeholders such as non-state actors, come to expect that the secretariat will continue to carry out these informally acquired substantive tasks.

My research (Sandford, 1992;1994;1996) indicates that the main points of secretariat difference on the passivity/activism continuum are found in the ways that secretariats undertake their substantive tasks of which the three identified below are arguably the most crucial. It is these tasks which Young (1994), Jacobson and Brown Weiss (1994) Chayes and Chayes (1995) concur constitute the basis of convention effectiveness, by providing both the substance and the means for carrying out and assessing implementation, performance and compliance.

I have selected 3 key categories of substantive implementation tasks as the focus of my research. The significance of these tasks in treaty

implementation, emerged from my earlier research (Sandford, 1992; 1994; 1996), and is supported by the findings of the above authors. The tasks are:

(1) Overseeing (supervising and managing) those sets of tasks or activities that are the foundations of treaty implementation. They are: data collection and analysis (data management); national reporting; review of the performance of member countries in implementing the convention; and monitoring compliance.

My earlier research identified data management, national reporting, monitoring, performance review and assessment, and compliance, as the central implementation tasks performed by the secretariats of all international agreements in pursuit of an agreement's ultimate objective of universal compliance. These tasks also correspond with components of the Chayes' compliance strategy (Chayes and Chayes, 1995).

(2) Assisting developing countries with national capacity building by providing expert and other assistance enables these countries to meet their international treaty obligations .

The extent to which parties meet their implementation obligations and achieve their agreed implementation objectives, depends largely on their political commitment, and on their national capacity to effectively carry out the central implementation tasks identified in (1). A country's failure to fulfil its treaty obligations may not indicate a refusal to comply, rather, it may be that it lacks the technology, scientific expertise, financial and management resources, and/or the institutional infrastructure to implement the measures necessary to achieve its objectives.

(3) Working with NGOs to monitor members' compliance with treaty requirements has the potential to ensure a more accurate and reliable monitoring system and improved treaty compliance.

In the interests of achieving treaty effectiveness and organizational survival, secretariats have finely honed their networking skills with stakeholders. The value of these skills is especially evident in the mutually beneficial

relationships which have grown up between secretariats and convention NGOs. To illustrate. The CITES Secretariat and WWF/TRAFFIC work together formally and directly to monitor international trade records, and to uncover illegal trafficking in prohibited species. The CCAMLR Secretariat relies on the informal transmission of scientific information and catch data from Greenpeace to monitor country compliance in the remote Southern Ocean.

By building cooperative relationships and alliances with international and domestic non-state actors (both environmental and industry NGOs), secretariats are better able to keep an eye on country implementation and compliance in situations where more direct forms of in-country intervention to detect breaches of treaty requirements would be regarded as overstepping their organizational mandate and as a challenge to national autonomy. These relationships also act as a form of resource sharing between two categories of resource-constrained organizations. The mutually advantageous nature of secretariat/non-state actor relations is discussed in detail in Chapter 7.

The following three sections outline the variety of approaches taken by international secretariats in carrying out the substantive tasks listed above. In so doing, I shall examine the extent to which the secretariats might be regarded as passive servants of the parties or activist managers of change and influence.

National Reporting And Performance Review

Data collection and management, national reporting, and performance review and assessment are as central to compliance systems in international regulatory regimes, as they are in domestic regulatory programs. The stated purpose of reporting is to generate information about the policies and activities of parties to the treaty that involve treaty compliance and regime efficacy. As Chayes and Chayes (1995:154) comment:

> reporting [my italics] is the point at which national bureaucracies are first engaged by the treaty regime,-----where domestic officialdom begins to translate the treaty into the daily work of administration and to define the level of commitment to it. Reporting

thus can be an early warning system for substantive compliance problems. It identifies parties that have deficits in domestic capability and similar barriers to compliance. It turns up problems of ambiguity and interpretation. As with North Korea and the Nuclear Non-Proliferation Treaty or many of the reporting failures under human rights agreements, the refusal to report is often the first intimation of serious political resistance to compliance with basic treaty norms, and it begins the mobilization of counter pressures.

So, what does a national reporting and performance review system look like? The most common template of such a system consists of a hierarchical system of reports, starting with the collection of data and the compilation of assessments and reports at a subnational level. These are then supplemented and massaged by domestic government agencies (often with NGO input), into a national report for submission to the central decision making body of a treaty, usually via its IO or secretariat.

The secretariat then reviews the data/information contained in the report against pre-determined (objective) criteria. These criteria constitute the baseline for performance review and assessment as agreed by the CoP. If the secretariat considers that a report is inadequate, it contacts the country concerned, and secretariat personnel advise their bureaucratic counterparts in that country what is required to bring country performance (as described in the report), up to scratch. Secretariat staff then work closely with relevant NGOs, as well as with national public sector officers, to assist the country to address and overcome its performance deficiencies.

The public face of reporting criteria is that they are developed by direct formal negotiation among the parties. In reality, reporting criteria are usually developed by the secretariat in consultation with their national bureaucratic counterparts and relevant international and national NGO stakeholders. Secretariat-NGO consultations may be formal and/or informal depending on the attitude of the parties to NGO input to treaty policy matters such as this. Where the parties oppose or resist formal NGO input to policy development, secretariat-NGO interactions are predominantly informal, even covert. See Chapter 7.

When a country fails to respond positively to its secretariat's overtures in this regard, the secretariat notifies its Standing Committee or the CoP which decides what action will be taken.

National reports are usually public documents, and are available to be scrutinized by scientific and other experts, NGOs, and the media. National reports are published in the proceedings of the CoPs. They form the basis for review and assessment of a country's implementation performance, and may be backed-up by missions and site inspections by experts, secretariat personnel and representatives of member countries, especially where there is concern about a country's failure or inability to perform, or about possible violations of the terms of a treaty.

Verification procedures and site inspections are frequently used to assess performance and compliance in arms control treaties. The data and information collected in national reports may be verified either by the decision making body of the convention, or by an independent source such as the IAEA (International Atomic Energy Agency) in the case of nuclear arms control. As Chayes and Chayes (1995) note, in contrast with many arms control treaty systems such as the NPT (Treaty on the Non-Proliferation of Nuclear Weapons, 1968), verification is rarely included in the reporting systems of environmental accords.

In environmental treaties, site inspections are quite common, but are usually couched in more positive language as educational and joint-problem solving ventures. Ramsar and the WHC use site visits by secretariat staff and independent experts to assess changes or potential changes to listed sites, and to work collaboratively with the management and expert personnel in a country to remedy the situation.

Regular reporting of a country's implementation efforts as a way to gauge progress is, therefore, a treaty norm. However, the reporting requirements and methods of conventions differ and are often cumbersome. Some examples of reporting systems are given below.

Nearly all environmental conventions rely on national self- reporting in one form or another. For example, CCAMLR requires that its members submit catch records and notify the CCAMLR Secretariat of other (than fish) species accidentally caught (incidental mortality). CITES requires that its members submit annual reports of trade statistics in CITES listed species to the CITES CoP; while Ramsar relies on its parties to report on changes or impending changes to the ecological character of Ramsar sites listed as wetlands of international importance.

Trade treaties such as the ITTA (International Tropical Timber Agreement, 1983) also rely heavily on self-reporting. In the case of the ITTA, countries are required to submit reports on their harvesting and trading via an import-export trade permit system similar to that of CITES and Basel. National reports are submitted to the ITTO (International Tropical Timber Organization), the IO that acts as the secretariat of the ITTA. The national reports to the ITTA, are not used to measure implementation but do allow for an annual overall assessment of the world tropical timber economy, including environmental aspects (GAO, 1992:3).

Other treaties have similar reporting practices to the ITTA. The GATT (General Agreement on Tariffs and Trade, 1946) and the NPT each requires that its members submit their implementation reports to a central IO. In the case of the GATT, reports go to the Trade Policies Review Division of the GATT Secretariat for assessment of parties' trade policies and performance. In the case of the NPT, country reports on nuclear materials production and stockpiles are submitted to the IAEA (International Atomic Energy Agency) which also accepts reports from members of the Treaty for Prohibition of Nuclear Weapons in Latin America, 1967. (GAO, 1992:39-40).

The quality of country responses varies considerably, as does the effectiveness with which data and information are analysed and used. Failure to report, incomplete and/or late reporting are the chief deficiencies of international data collection systems (Chayes and Chayes, 1995), which are in turn the basis of all compliance systems. Evidence available on particular treaties or groups of treaties indicates that apart from deliberate refusals to report, as has been the case with the former USSR's massive and systematic

falsification of reports to the International Whaling Commission (IWC) from the 1970s to 1990s; and Iraq's failure to disclose the full scope of its nuclear and chemical weapons programs as required by the Gulf War cease-fire resolution of the UN Security Council in 1991, the level of reporting will depend on a variety of actors; the importance of the subject matter; the effectiveness of the secretariat or other central treaty institutions; and the capacity and resources of the reporting state. In environmental treaties and others with a high scientific or technical content, failure to report is disproportionately high among developing countries, primarily because of limitations on the financial, scientific, and bureaucratic resources of the reporting government (Chayes and Chayes, 1995:155-159; GAO, 1992). Treaty-specific reporting problems are discussed in Chapters 4 & 5.

Information is power in international environmental management where the issues are complex and interdependent, and scientific uncertainty is the norm rather than the exception. In this context, institutional systems for information and data management, national reporting, performance review and assessment are fundamental to information generation and decision making. They can be effective instruments of power in the hands of international secretariats.

Performance review and assessment involves the periodic and systematic scrutiny and measurement (assessment) of the extent to which a country is making progress towards achieving its treaty objectives. A country's performance in relation to its treaty obligations is the focus of these implementation processes. The objective of the performance review and assessment phase is to identify performance inadequacies and steps that might be taken to improve a country's performance, usually within a prescribed time frame.

Predetermined performance criteria are used to gauge progress, and national reports are constructed to reflect these criteria. Quantitative objective criteria are preferred. These are negotiated in a similar fashion to the reporting criteria. That is not to say that informal or more subjective assessments of performance are omitted, or are absent from the process. In the interests of international harmony, and to minimise the risks of conflict and country

withdrawal from a treaty in protest over the subjectivity of decision making, every effort is made to adhere to objective criteria in making collective decisions about a country's implementation performance.

Performance criteria are treaty-specific, although there are similarities among treaties dealing with comparable issues. For example, a country's implementation performance may be reviewed in terms of the extent to which it achieves reductions in its levels of pollutants, or controls the levels of industrial emissions such as ozone, and Green House Gases (GHGs) including CO_2, over a specific period(s) of time. The Montreal Protocol and the FCCC are examples of conventions whose success is measured against these criteria. The extent to which members conform with agreed international trade regulations are other performance criteria. Examples of this approach are, the international trade in endangered species of wild fauna and flora (CITES); the international trade in certain hazardous wastes (Basel); and the global trade in specified tropical timbers (ITTA). Provisions in each of these trade regulation agreements contain criteria to measure the extent to which members effectively contain the export-import and re-export of trade in prohibited substances. The GATT also has its own Trade Policy Review Mechanism (TRPM) which is based on a member's report of its overall economic situation, a detailed analysis of its trade policies and practices, and a report by the GATT Secretariat focusing on special areas of concern (Chayes and Chayes, 1995:245). Other conventions advocate catch restrictions on certain species. This may take the form of catch quotas or catch bans in the international public interest. CCAMLR limits the catch of marine living resources such as fish in order to conserve the marine ecosystems of the Antarctic; and the ICRW has agreed to a moratorium on the harvesting of whales as an endangered species. Another group of international environmental agreements seeks to conserve environmentally important habitat and/or threatened ecosystems. Ramsar and the World Heritage Convention each uses a system of listing protected sites. Members are required to nominate sites for listing and to develop site management plans. Their implementation performance is then assessed against their achievement of the goals of the management plans as they progress towards the achievement of the site conservation objectives.

The 1992 Convention on Biological Diversity (CBD), requires countries to compile national strategies, plans and programs to integrate the conservation and sustainable use of biological diversity into policies and plans for sectors such as agriculture, fisheries and forestry (Article 6), and the 1994 Convention to Combat Desertification (CCD) aims " to combat desertification and to mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa........" (Article 2 2 (1)), through the use of national, subregional and regional action programs, scientific and technical cooperation. However it is too early to evaluate the success of these approaches as they are still being developed.

Performance review and assessment are fundamental components of a compliance strategy. They make use of the information contained in national reports which have, in turn, been prepared in accordance with predetermined performance criteria against which a country's implementation progress in fulfilling its convention obligations can be periodically measured in order to assess the extent to which a country has, or is, making progress towards achieving the treaty objectives.

Secretariats perform a central and often very active role in data collection, national reporting, performance review and assessment. They assist countries to interpret reporting and performance requirements and to compile national reports where countries lack the resources and expertise to do so. This relates particularly to developing countries and those with economies in transition which rely on secretariat assistance to fulfil their obligations. Secretariat assistance may include direct advice and guidance to the parties; assisting parties to network with experts and NGOs; and assisting members to access international financial and scientific resources such as the CITES Trust Fund, the Global Environmental Facility (GEF), WWF, scientific and academic organizations. All environmental treaty secretariats adopt these strategies and more will be said about this in the following section.

Secretariats, as seemingly independent bodies within the treaty system, are regularly asked to analyse incoming national reports and to give advice to the CoP on action to be taken when a party's performance appears to be

deficient and/or in breach of its obligations. They also follow-up situations where no reports are forthcoming or are late. All environmental treaty secretariats perform these functions to a greater or lesser extent. CITES and the FCCC Secretariat as repositories of substantial professional expertise, have formal mandates to conduct analyses of reports and to advise, or recommend (in the case of CITES), what action might be taken.

These performance review and assessment functions are all part of monitoring progress and compliance. In these ways, secretariats have opportunities to shape data collection and presentation, to facilitate networks of assistance among stakeholders, to monitor performance, and to identify potential problems in implementation and compliance. In effect, they serve as an early warning device for anticipating the likelihood of non-compliance.

Assisting Developing Countries With National Capacity Building

Underpinning the success or otherwise of any convention, is the domestic or national capacity of members to meet their obligations. The extent to which countries are able to meet their responsibilities depends to a considerable extent on their national capacity, that is, on their institutional infrastructure, and on their financial, scientific, legal, policy, and other national resources. This includes the availability of expert/trained management and enforcement personnel. National capacity is of particular importance in developing countries and countries with economies in transition which are struggling as members of a global community, to participate in the ever-increasing number of international agreements (Jacobson and Brown Weiss, 1994). Many such countries require external financial and expert assistance to fulfil their multitude of international convention responsibilities. It is understandable that without adequate resources or national capacity, a country is likely to encounter serious implementation and compliance difficulties.

In supporting the centrality of capacity building in treaty implementation and compliance, Haas, Keohane and Levy (1993) argue that assisting stakeholders to build political and administrative capacity both within the

state and within civil society, and the establishment of mutually reinforcing networks and coalitions, are critical; that capacity building is often a necessary condition for achieving effectiveness; and that compliance is more likely when capacity is in place. As the case studies of Keohane and Levy (1995) further demonstrate, "the lack of capacity is a critical source of policy ineffectiveness", and capacity building, magnifying issue concern, and facilitating agreement are the most significant roles international institutions can play (Haas, Keohane and Levy, 1993).

A country's failure to meet its treaty reporting, performance and compliance obligations may not necessarily be due to its lack of commitment to the goals of the agreement. Rather, it may be a result of that country's inability to identify and/or mobilize the resources necessary to put into place the changes and initiatives necessary to carry out these tasks. For example, CITES, and Ramsar require that members instigate national legislation, regulations, policies and management infrastructures to implement and manage these conventions at national and sub-national levels. Many developing countries are unable to meet these requirements, as they do not have the legal and bureaucratic expertise to draft such specialized legislation, nor the funds nor scientific expertise to implement or enforce programs considered essential to achieve convention objectives. That is, such countries do not have the national capacity to successfully implement the agreement.

In situations such as these a secretariat may enlist the expert and financial support of an NGO or another member to assist the country in question. The CITES secretariat is able to use its extensive networks to help match external funding with a country's needs. In the case of Guyana, funding from WWF, Japan and the UK was used to help Guyana develop domestic legislation, and to strengthen the implementation and effectiveness of CITES in Guyana (CITES Doc.9.11; Sandford, 1996).

Knowledge of, access to, and appropriate use of sources of direct assistance - financial resources, scientific, legal and policy expertise - and indirect assistance such as information, data access and exchange, are fundamental to the effective implementation of all international treaties, not just those

relating to environmental issues. Chayes and Chayes (1995:234-237) give the following example of the influence of the International Monetary Fund (IMF) on its members' monetary and fiscal policies, and on directions taken in capacity building.

The IMF was established under the 1945 IMF Agreement as an organization for international cooperation in monetary policy, and it exercises "firm surveillance over the exchange rate policies of members" by conducting routine consultations (performance reviews) with each member, usually at 18 month intervals. The impact of this Article IV surveillance on national policy is illustrated in the recent efforts of the IMF (in coordination with the World Bank) to bring military expenditure into the economic and fiscal review process. This means that military spending will, henceforth, be considered an economic as well as a political/strategic issue. As such, it has a policy influence on capacity building by educating government officials about the desirability of improved military budgeting practices and transparent expenditure practices. In countries where the military plays a strong role in internal politics, this is a very significant move. In providing capacity building assistance, the IMF has a distinct advantage over most environmental treaties- it has money - lots of it. It is able to disburse funds to help members meet agreed targets. IMF funds are paid by instalment, and as the Chayes' note, the threat of cancellation of instalments can powerfully concentrate a recipient's mind.

The primary sources of funding for the implementation of environmental policies are financial mechanisms in a treaty system itself. These are often known as convention trust funds. Examples of trust funds are: the World Heritage Fund; the CITES Trust Fund; the Multilateral Fund of the Montreal Protocol; and the Technical Cooperation Trust Fund of the Basel Convention. These financial mechanisms consist of contributions from parties and non-parties to assist countries in need, to implement the convention. However, convention trust funds are notoriously inadequate to meet the demands of an increasing number of members, many of which are from the developing world. Consequently, countries must access external funding sources, and they frequently rely on secretariat knowledge, guidance and networks for this.

Additional sources of financial assistance for capacity building are: international monetary organizations such as the World Bank and its subsidiary, the GEF, for those recent conventions dealing with biological diversity, oceans, climate change and desertification. The older environmental treaties of the 1970s, Ramsar, World Heritage, and CITES do not, as yet, have ready access to GEF funds for their members. This has caused considerable dissatisfaction as many members (and their secretariats) consider that as well established treaties with proven implementation track records, they are disadvantaged in the disbursement of global funds to address critical environmental issues.

Economic development agencies and UN programs and agencies including UNEP, and The Food and Agricultural Organization (FAO) and UNDP; and bilateral arrangements with individual (often developed) countries, and less frequently NGOs, are other major sources of financial assistance. UNEP is mandated to provide technical assistance through the development of national legislation, and by enhancing capacity building through training, information dissemination and education. In fulfilling this mandate the Environmental Law and Institutions Programme Activity Centre (ELI/PAC) has been involved in numerous capacity building activities. A joint UNEP, ELI/PAC, Basel Secretariat mission is assisting the Government of Bangladesh, at its request, to draft waste management law which will include provisions for implementation of the Basel Convention. UNEP, ELI/PAC has also instituted a Training-By-Attachment Programme for senior government lawyers and policy makers to carry out assignments related to their work, such as the development of laws and policies. These Attachment Programs often include attachment to one or more international environmental convention secretariats to obtain a better understanding of environmental conventions and mechanisms for implementing them effectively in their respective countries (Sun Lin, 1995:4). Jordan, Western Samoa and Vanuatu have participated in this program.

A number of developed countries provide financial and expert advice to their former colonies, or to countries in which they have a special trade or

humanitarian interest. France assists with capacity building in the Francophone countries of West Africa (wetland restoration and endangered species conservation). The Lao Peoples Democratic Republic (PDR) or Laos, which is classified by the UN and the World Bank as among the least developed countries in the world, has received assistance from Australia and IUCN to conduct wildlife conservation workshops to pave the way for Laos to begin the process of becoming a party to CITES. In addition, Laos has signed a bilateral agreement with Sweden, the Agreement on Cooperation for Development, 1995, to provide funding for environmental studies and the clearance of unexploded ordinances (Bounthong Vongsaly, 1995). The latter is an interesting example of an environmental-human rights-security issue linkage

Secretariats and National Capacity Building

The national reporting and performance review activities of secretariats provide them with an entree to the identification of national capacity building needs. In many cases, it is the information emerging from these processes that alerts parties to the implementation difficulties being experienced by their members, and which can be addressed using capacity building measures. Secretariats' information collection and distribution initiatives; their analyses of national reports, and subsequent advice to the CoP; mobilization and management of their extensive financial, scientific and technical networks; and the expertise of secretariat boundary-spanning professionals as international facilitators and coordinators, are the main mechanisms used to address capacity building deficiencies. In this respect. secretariats serve a problem identification and problem-solving function in national capacity building.

Secretariats also perform a range of service delivery roles. The majority of secretariats act as lynch-pin organizations in assisting their members with capacity building. They provide direct assistance such as legal and policy advice; and indirectly facilitate member access to convention and external sources of funds and expertise, such as those mentioned previously. Secretariat initiation and/or participation in capacity building activities, is mutually advantageous for the recipient country and for the convention

secretariat. In the first place, the country gains access to essential resources which enable it to meet its international legal obligations. In the second place, the secretariat gains from the halo effect of providing tangible assistance to a member. Its organizational credibility as a performer of tasks and as a service deliverer is enhanced; and its sphere of potential influence is expanded by networking, and by building alliances or working partnerships with the country concerned, national stakeholders, relevant international financial institutions, and NGOs. This in turn further extends the secretariat's information, knowledge and power base beyond the confines of its original formal mandate.

Finally, secretariats may play, or be perceived to play, more overtly political roles in capacity building. Many developing counties and countries with economies in transition feel disadvantaged in global power politics and finances, and have tended to regard secretariats as understanding allies in their attempts to establish a more equal resource and power balance between the developed and developing worlds. The FCCC and CCD are recent examples of conventions where secretariats are trying to use capacity building to minimise the disparity between developing and developed interests in order to achieve a collective objective. The FCCC Secretariat has been working closely with Association of Small Island States (AOSIS) countries, and its INGO advocate FIELD (Foundation for International Environmental Law and Development), to ensure that the larger, developed country parties, whose priorities are emission targets and timetables rather than the more direct effects of sea level rise, remain mindful of the concerns of the AOSIS countries in their decision making and in the allocation of resources (FCCC Sec. Pers. Com. June, 1995).

Working With NGOs To Monitor Compliance

Integral to success of all environmental accords, is the support of non-state actors. They include: international and domestic industry and environmental NGOs, expert bodies such as academic institutions, professional organizations and associations of experts.

The cooperation and support of NGOs is central to the success or failure of effective treaty implementation. Without the active, or at least the tacit cooperation of industry and environmental NGOs, a convention is likely to fail where it really counts, that is, on the ground at national and sub-national levels.

Most NGOs are accomplished communicators and they have extensive media and public networks. In circumstances where NGOs are critical of, or actively oppose a government's implementation activities or policies, they are readily able to marshal negative media coverage of government activities at both the domestic and international levels, perhaps a reflection of the adages "Conflict sells, consensus does not", and "bad news travels fast". Negative publicity generated or aided by NGO comment, can have an deleterious effect on a government's domestic electoral appeal and on its survival. An example of this is what is known in WHC circles as The Tasmanian Dams case (Clth v Tasmania (1983) 46 ALR 625, 795-6; Clth v Tasmania(1983) 158 CLR).

In this instance, domestic and international environmental NGOs challenged the Tasmanian State Government in Australia, to stop the construction of a dam and hydro-electric facility proposed for a wild river in the Tasmanian WHA area, a clear breach of Australia's WHA obligations. The negative publicity that ensued, fuelled by very active, well-planned and well-publicized public protests, was coordinated primarily by NGOs, in particular by the Wilderness Society which originated in Tasmania and is now an INGO.

All NGOs with an interest in the outcomes of an international agreement must be considered as valid stakeholders by the parties, regardless of their size, or the membership and ideology of their organization. It is imperative that their existence is actively taken into account in the design and management of implementation and compliance processes and procedures. Ideally, NGO participation should be encouraged. Should significant NGOs be overlooked, deliberately or inadvertently in the policy process, they can become policy major obstacles for national governments. In many Western democratic countries, domestic-based NGOs have the potential to block or

stall, policy initiatives at the national level, and often at the international level through the mobilization of world wide networks of NGOs.

Examples of effective blocking actions by concerned or disgruntled international and domestic NGOs include: the headline-grabbing, high-seas exploits of Greenpeace in obstructing whaling in international waters, and its criticisms of the ineffectiveness of CCAMLR in protecting the Antarctic krill fishery in the 1980s; and, the relative success of international and national energy lobbies, such as IPIECA (International Petroleum Importers and Exporters Association), the Australian coal industry, and the US industry NGO, the Global Climate Coalition (GCC), which rejects "the use of rigid targets and timetables as a strategy for meeting the objectives of the FCCC" (Global Climate Coalition, March,1993:1).

A caveat is warranted here. NGOs tend to be potent force in the more pluralist, Western style democracies of Northern America, Europe and Oceania. However, for many Asian, African, Central and Southern American nations and developing countries, environmental NGOs from the North are an anathema, reminders of the oppression and exploitation of European colonialism (Pers. Coms Ramsar, CITES Secs, 1995). In developing countries whose political regimes and cultures differ from those of their Northern counterparts, the effectiveness of international environmental policy implementation may be more directly reliant on national capacity building than it is on NGO action. For many such countries the solution is perceived to lie with direct international financial support, preferably unconditional funding for national capacity building, rather than with the electoral support of NGOs.

Secretariats , NGOs and Compliance

The relationship between NGOs and secretariats is mutually advantageous. Secretariats rely substantially on information from NGO domestic surveillance, communication and other activities to determine the extent to which national governments are meeting their obligations. Through their national and grass-roots networks of constituents, domestic NGOs are able to access data and information out of reach of international secretariats.

National sovereignty is the defence used by national governments to thwart secretariat access to internal information, particularly when it portrays a government in a less than flattering light vis-a-vis its implementation performance. Arguments such as 'commercial-in-confidence' and 'in the interests of national security' may be given by governments as reasons for refusing secretariat access to information

In situations such as this, a domestic NGO has the advantage of national legitimacy and its members, as individuals, are citizens. It can, if it chooses, use its in-country knowledge and networks to try and obtain the information required by the secretariat to review that country's performance. That is, the NGO helps the secretariat to monitor compliance.

In the WHC Tasmanian Dams case, the constant flow of information from the Tasmanian Wilderness Society and its NGO colleagues to the WHC Secretariat, kept the Secretariat (and through it other WHC parties) up to date on developments in Australia. The WHC Secretariat, acknowledged the value of this NGO-Secretariat relationship to monitor Australia's compliance (Pers. Com. WHC Sec. 1993). The case was historically significant in international law, as it was the first time the WHC had been legally challenged in the International Court of Justice (ICJ) and there was concern among governments that the outcome would set a precedent, not just for the WHC, but for other environmental treaties (Pers. Com. WHC Sec, 1993).

The CITES Secretariat has a very close, and by all accounts a very effective relationship with the WWF/TRAFFIC Network which formally assists the Secretariat to monitor illegal trade in wild fauna and flora (Sandford, 1994:24). This assistance takes a number of forms from the statistical correlation of trade reports, to potentially dangerous on-ground NGO surveillance activities (CITES Sec. Pers. Coms. May, 1995; TRAFFIC Network Pers.Coms. June 1995).

NGOs also benefit from co-operation with secretariats. The secretariat coordinates agenda preparation for meetings of the CoP and subsidiary bodies such as scientific committees, implementation committees, and policy working groups. In fact, it is often left to the secretariat to draw up the

meeting agenda which the relevant body then approves as occurred in CCAMLR (Pers.Com.CCAMLR Sec.1995). The secretariat is thus often in a position to make recommendations for the inclusion (and exclusion) of items on the agenda and the ordering of agenda priorities. In this way, a secretariat is instrumental in bringing the parties' attention to the concerns of non-parties, NGOs, and the wider public, and in encouraging members to include these issues as agenda items (Sandford, 1996:7).

Other areas of benefit to NGOs come from the secretariat's roles in treaty system data/information management. In the former, secretariats have a formal mandate to receive information from, and distribute information to, both domestic and international NGOs. This encourages a two-way information flow, and facilitates NGOs access to information. Information is the international currency of effective monitoring and compliance.

Informal communications also occur between secretariats and NGOs as their personnel interact over the years, and even exchange places of employment. The Ramsar Bureau and CITES Secretariat each contains personnel who have worked for convention allies such as the IWRB, IUCN, WWF and Species Survival. Many NGO and secretariat personnel share a professional and often a personal commitment to achieving the objectives of a particular treaty, if not the strategies for getting there. Furthermore, they often remain associated with a specific issue or treaty for long periods of time. These associations provide plenty of opportunities for information exchange, the sharing of ideas, the development of problem-solving partnerships, the formation of professional alliances and personal friendships, and the exchange of staff on secondment.

The knowledge generated and networks formed as a result of secretariat-NGO relationships, may also be used to facilitate capacity building activities, particularly training, technology transfer and species surveys. Secretariats might recommend NGOs as expert consultants to assist national governments with capacity building. IUCN and its international network of domestic NGOs, is a world leader in protected area management, and it has assisted many developing countries with formulating and implementing WHA legislation and management plans (McNeeley, 1995). Wetlands

International, a consortium of international and domestic NGOs, provides expert advice on wetland restoration and management throughout Africa and Asia, and works closely with the Ramsar Bureau. These activities legitimize NGO activity in a country; they can be used to draw public and political attention to a treaty issue or concern; and they provide opportunities for NGOs to advance public understanding of their particular cause.

Summary

International multilateral agreements such as those of environment, trade, human rights, and security are characterised by stakeholder diversity and an interdependence of issues and interorganizational networks. In this context, secretariats are the organizational glue that holds the stakeholders and parts of a treaty system together, and it is the tasks performed by secretariats that legitimize and promote their organizational survival and act as vehicles of influence.

Of the myriad of core and substantive tasks performed by secretariats, I believe that the suite discussed in this chapter is the most significant as it is at the heart of a convention's implementation and compliance strategies. That is not to say it is all plain sailing. Secretariats encounter several a number of obstacles or challenges in carrying out their tasks.

CHAPTER 4: IMPLEMENTATION CHALLENGES

Introduction

Secretariats face a range of organizational constraints. The literature (Young, 1967; Skolnikoff, 1972; McLaren 1980; Pitt and Weiss, 1986; Archer, 1992) identifies four general categories of constraints faced by international secretariats in carrying out their duties. They are: political; financial; the availability of organizational resources - including administrative resources, time, expertise and technology - and social and cultural considerations (Sandford, 1994). In addition, I have consolidated several of the elements identified by Weiss (1975), in a fifth category I call "organizational loyalties and leadership". Finally, I have added a sixth set of obstacles which have emerged from my research. I have called these "implementation conflicts".

Political constraints can be the most daunting. They include: obstacles in secretariat relations with stakeholders, especially governments; the difficulties of dealing with frequent changes in national governments at the domestic level which result in changing policy priorities and management arrangements; tensions in secretariat relations with NGOs; and tensions in secretariat relations with their partner organizations,

Financial obstacles take several forms. Non-payment and/or late payment of national contributions leaves a secretariat without the means to carry out even its core tasks; and a chronic inadequacy of funds necessitates that professional personnel spend an inordinate amount of time fund-raising among members and non-state actors. Many professional personnel consider fund-raising an inappropriate use of their time and expertise. Third, secretariat acceptance of tied or conditional funding from both state and non-state actors to supplement inadequate core funding, is frequently criticized by stakeholders as being prejudicial to secretariat impartiality (Sandford, 1994).

A third constraint is inadequate organizational capacity and resources such as administrative capacity and time, the expertise and skills of personnel, and technology. There is a long-standing suspicion of, and resistance to, the growth of IOs by governments. The degree of secretariat autonomy, the

nature and extent of their resources, and the centralization or decentralization of secretariat activities are recurring issues in IO management where the resource-dependency of IOs on governments leaves them vulnerable to political whims.

The fourth category is social and cultural obstacles such as external and internal social and cultural diversity. By that I mean managing national and regional cultural differences among stakeholders, and achieving and managing personnel diversity within the secretariat (Sandford, 1994). Secretariats value social and cultural diversity both in the treaty system as well as within their organization. That is not to say that issues such as the appointment of staff on merit rather than on regional or national affiliation are not of concern. They are. This is especially important in issue-areas such as climate change which are scientifically complex, technologically sophisticated, and where successful task performance requires that secretariat staff have specialist expertise which is less commonly available in some developing countries of the South than it is in the industrialized countries of the North. In this context, the organizational need to recruit personnel for their specialist skills can clash with the political goal of geographical representation in the secretariat.

However by 1997, I had come to the conclusion that social and cultural constraints were perceived by those interviewed, to be lesser obstacles than were the first three categories of constraints, or managing implementation conflicts.

A fifth category of obstacles I encountered in my research is what I call 'organizational loyalties and leadership.' This includes attempts by some national governments to exert pressure on their nationals who are working in the secretariat; and constraints associated with organizational leadership which seem to have the potential to be more of a problem that does pressure from national governments.

Finally, I have created a sixth category of obstacles called 'implementation conflicts'. Implementation conflicts include tensions, disagreements and chronic conflict which may be punctuated by episodes of acute dispute and

which obstruct, or potentially obstruct, successful treaty implementation. Implementation conflicts which involve secretariats as network managers and intermediaries occur regularly among treaty members; between members and non-state actors such as IGOs and NGOs; and the most politically sensitive (and organizationally dangerous conflicts from the perspective of a secretariat as a potential intermediary), are in-country disagreements. These may occur between governments and domestic NGOs, and among competing national bureaucracies, each of which claims responsibility for treaty implementation at the domestic level, and the authority and resources to accomplish this.

While some might argue that implementation conflicts could be subsumed in the categories of obstacles already mentioned, I contend that they are worthy of consideration as a category in their own right. Implementation conflicts are placing increasing demands on secretariat resources, especially personnel skills, budgets, and time. Managing conflicts is becoming a growth area for environmental treaty secretariats as the frequency with which stakeholders request that secretariats formally, and more often informally, assist in defusing and/or resolving implementation problems, increases. The apparent success of secretariat conflict management activities is illustrated by repeated requests from stakeholders for conflict management assistance over time. Secretariat carriage of these tasks has implications (both positive and negative), for the organizational mandate, structure, and resources of secretariats, as well as for successful policy outcomes including compliance.

Political Constraints

The impacts of political constraints on secretariat initiatives are particularly evident in the implementation 'heartland' of the secretariat - managing national reporting, performance review and compliance monitoring.

Relations with Members

To be accepted by stakeholders, particularly, member governments, international convention reporting and assessment processes must be seen to be transparent, accessible and accountable in pursuit of a convention's

objectives. A major stumbling block to informed international decision making is that the provision of accurate and timely data remains the prerogative of the members in recognition of their sovereign right to manage their national resources as they see fit. Self-reporting remains the dominant method of international convention reporting. This means it is the responsibility of convention members to provide the information required of them, so that the CoP can make informed decisions about the present and future management of the resource, issue or commodity in question.

Examples of a secretariat's reporting tasks in relation to a specific government might include: ensuring that the member understands what is required of it in fulfilling its reporting obligations and the penalties for its failure to do so; advising the member on how it might best approach the task of reporting; ensuring that the member has the personnel, technological, financial, and administrative resources it needs to accomplish the task, accurately and on time; and directly and indirectly assisting the member with report preparation.

Assistance can take a number of forms. It might include the direct provision of expert advice by the secretariat's professional staff; the provision of knowledge about how other countries have approached comparable reporting or compliance problems; and the facilitation of networking among countries and NGOs with comparable interests. Other forms of assistance are: the promotion of dialogue among countries with similar problems; and supplying information on available resources, for example, advising on the availability of GEF funds, and international sources of scientific and policy advice from academic institutions and professional organizations such as ICSU (International Council of Scientific Unions).

In some instances members resent what they perceive to be a secretariat's intrusion into their domestic affairs. They argue that the responsibility for overseeing data management and reporting legitimizes secretariat interference in domestic policy implementation. This resentment may take the form of delay and obstruction in the transmission of data and reports to the secretariat for incorporation in treaty decision making, and the denial of

secretariat access to relevant national authorities, personnel, and information.

A country may argue that is having difficulty in obtaining the necessary information to complete its reports; that it lacks the resources to complete the task, including technology and computers; and that it lacks the necessary expert personnel. While such reasons for a delay might be true, they can also be used as camouflage for members who are reluctant to submit to international scrutiny of their internal operations where the IO or secretariat is the conduit for external surveillance. The limited political mandate of an IO such as a secretariat does not permit the organization to exert other than persuasive pressure on a dissenting member. The secretariat has no power to sanction a reluctant member, and in circumstances such as this it must draw the attention of the CoP or Standing Committee to the situation.

So, why is a member's reluctance or refusal to comply with reporting requirements a problem for a secretariat? First, it means that insufficient information is available for the CoP (via its secretariat's analytical activities) to review and assess a party's implementation performance and compliance. Non-compliance with national reporting requirements is a significant headache for a secretariat, as considerable time and resources must be spent on persuading a country to cooperate. Failure of a secretariat to secure a member's cooperation is likely to be construed by members as organizational incompetence on the part of the secretariat, an inability to perform a key task. The secretariat then becomes an organizational scape-goat for a CoP's inability to 'control' the negative behaviour of one of its members. The blame is thus deflected from the member onto the secretariat.

It is much less politically costly to direct blame for implementation failure on to a 'servant of the parties', than it is to risk the alienation or withdrawal of a party from a convention. No CoP wants to risk the withdrawal of a member as happened when Iceland withdrew from the IWC in 1991 (Chayes and Chayes, 1995). It is much easier to 'control' the behaviour of a treaty member through 'shaming' or peer pressure within the treaty system where it is in the self-interest of the recipient to reap the potential benefits of issue-linked cooperation with its fellow members, than it is to endeavour to 'shame' a

non-member whose non-participation in a particular agreement means that it is, in practical terms, immune to any punitive measure that a treaty party may attempt to exert.

Issue-linkage can be both and advantage and a disadvantage for secretariats in overseeing national reporting and performance. As an advantage, it can encourage more accurate reporting as it provides a means to cross-check or verify data. The reporting of trade statistics by ITTA and CITES members provides a reliable foil for secretariat cross-checking of tropical timber and international wildlife trade data from economic sources, with conservation statistics from NGOs and national government bureaucracies.

However, in today's politically, economically, socially and environmentally interdependent and issue-linked world, all stakeholders (including secretariats) are aware that a member's hesitation to report on issue A, may not in fact be related to the subject of the required report itself, but to negotiation difficulties being experienced with issue B. The issue-linkage of human rights and trade is example. Here, a country may be denied trading access and privileges if its human rights record is perceived by another nation to be at fault, as has been the case in contemporary relations between China and the USA, and until the 1990s between South Africa and most UN members which instituted trade bans against South Africa over its human rights record and its public policy of apartheid.

Obstruction of, or refusal to, report can be quite direct. The refusal to report is often the first indication of serious political resistance to compliance with basic treaty norms, and it begins the mobilization of counterpressures. Many examples of failure and/or refusal to report are evident under human rights agreements and with North Korea and the NPT (Chayes and Chayes, 1995). A 1992 survey by the UN Secretary-General of reporting under seven human rights conventions showed that a number of flagrant human rights violators were among those most seriously in reporting arrears, and suggested that in many cases the non-reporting was deliberate (Chayes and Chayes, 1995). In instances such as these, the offending country usually denies a convention secretariat access to its national bureaucratic colleagues and the management authorities on whom the secretariat is dependent for the collection of in-

country information and reports. This denial of access can rebound on the reputation of the IO. Both national and international bureaucrats are heavily invested in the success of their organizations (Chayes and Chayes, 1995), and public recognition of an ability to effectively and efficiently perform key tasks is at the heart of an organization's reputation.

Changes in National Governments

As noted in Sandford (1994), dealing with changes in national governments at the domestic level can be more of a problem for treaty secretariats than their relations with national governments *per se.* Changes in national governments often mean changes in national priorities and in the associated management authorities. For example, environmental management may be superceded by economic development, health, or transportation, as a prevailing national policy priority. As a result of changing governmental priorities, the bureaucratic infrastructures, programs and budget allocations that once favoured environmental management, are then replaced by ones favouring the dominant policy imperative (say, economic development) and its associated bureaucratic and decision making structures.

Bureaucratic fragmentation and sectoral compartmentalization at the domestic level create major difficulties for secretariats as when representatives from different national authorities within a country present conflicting views on an issue or policy, which each then claims represents its country's official position on the issue. The WHC (World Heritage Centre) warned about this in relation to the plethora of policies which were presented as the "official Australian position", by assorted levels of government and national bureaucracies to the WHC at the time of the Tasmanian Dams dispute in the early 1980s (Sandford, 1994).

National and sub-national bureaucracies within a country compete regularly for official political endorsement of their activities and pre-eminence in the bureaucratic hierarchy of the government of the day, as well as competing for budgetary allocations. At any one time, a minister for the environment and his/her supporting bureaucracy may slide from the top of the pecking order to a position lower down. It is in the interests of the relevant national

bureaucracy to protect its minister from such a fate, as in so doing the bureaucracy ensures its own survival and a higher resource allocation ranking in the domestic bureaucratic jungle.

So what relevance is this for an international secretariat? Many international secretariats (including global environmental treaty secretariats), depend on financial contributions from treaty members for their organizational survival and growth. It is thus in the interests of an international secretariat to work closely with its in-country bureaucratic and political counterparts to ensure their survival, and ideally their political dominance and expansion, as this then is more likely to guarantee the steady flow of national contributions on which the secretariat's existence depends. Strong national counterparts may even be able to use their position to encourage their governments to provide additional support for capacity building in developing countries. This helps the convention secretariat by enhancing its organizational profile and its credibility with developing countries. At the end of the day, the numbers of parties which support the convention secretariat are translated into votes in the CoP which, in turn, determine the secretariat's budget.

However, every time a government changes, incoming ministers and bureaucrats must be briefed on their country's international treaty obligations. Mechanisms and penalties for handling non-compliance are also spelled out. Secretariat staff and their executive heads play a key role here in ensuring that the country is aware of the need to fulfil its obligations, and the ways that the secretariat and the treaty machinery might assist. The more frequently a country's government changes, the more often a secretariat must be in contact with that country to brief incoming governments and the bureaucracy. There is substantial down-time for both a new government and the secretariat in adapting to change. Down-time may involve inadequacies and delays in reporting; a decline in on-ground performance; an increase in non-compliance as the country comes to understand its international obligations; and failure of/late payment of contributions. All these constraints have an impact on the organizational capacity of a secretariat and its workload.

Secretariat missions are the preferred method of carrying out briefings of new governments as they are particularly effective in overcoming cultural differences and misunderstandings which may arise from trying to administer a treaty from a centralized position. Personal contact is considered essential to supplement written, telephone, fax, and electronic communication, yet travel budgets are the first items restricted when secretariat activities are reviewed by the parties (Sandford, 1994; 1996). When it comes to checking the accuracy of data and assessing implementation performance and compliance, it is hard to surpass on-site assessments by secretariats (usually assisted by independent consultants), whose expert personnel are generally agreed to be more objective than are the personnel of the country whose performance is being reviewed and assessed. The reluctance of certain members to have an independent appraisal of their progress is frequently behind CoP decisions (most of which are consensus-based), to 'revise' secretariat travel budgets.

Relations with Partner Organizations

In overseeing reporting, national performance and member compliance, most treaty secretariats work closely with their partner organizations. They have a mutual interest in fulfilling their organizational obligations and responsibilities to the parties on whom both are dependent to a greater degree (secretariat) or a lesser degree (partner organization). Collaboration means organizational survival and possibly growth. According to organizational theory, increased power is usually associated with growth - but not always, as the UNESCO and UNCTAD Secretariats have found out. (Weiss, 1986; Wells, 1986). In general, however, secretariats and their treaty partners collaborate on data gathering and analysis, drawing on their combined organizational expertise, resources and networks.

Relationships between treaty secretariats and their partner organizations are dynamic. In a number of instances they have become volatile and even conflict ridden, in a tug-of -war for the 'hearts and minds' of the members, as each organization attempts to establish its position and even exert dominance over the other in the treaty system. Budget and resource allocation matters, rather than tasks such as reporting and performance

assessment, tend to be at the center of these struggle, and these will be discussed in a following section.

Relations with NGOs

Secretariats are the standard bearers of an international agreement, that is, they support, represent, and promote the intent or spirit of the agreement throughout the world. This can create tension between them and some NGOs who have a different interpretation of the intent of a convention, coming as they do from a partisan perspective on the substance of the agreement. The environmental protection intent of many environmental treaties is couched in cautious language calculated to appeal to a maximum number of interests on the economic development/environmental preservation continuum. While the texts and decisions of many environmental treaties make reference to 'sustainable development' and 'conservation', none refers either to 'unrestricted development' or to 'environmental preservation' which sit at opposite ends of the ideological continuum. Ramsar talks about "wise-use"; CCAMLR about "rational use"; CITES refers to the "regulation of trade" (not the cessation of trade); the objective of the CBD is the "conservation of biological diversity" and "the sustainable use of its components" (rather than the "preservation of biological diversity"); the FCCC refers to "the stabilization (not the elimination) of GHGs"; and the CCD refers to "combating desertification" rather than eliminating it.

As the organizational "front-man" for a convention, a secretariat is often in the firing line from NGOs, each arguing that the secretariat is either supporting the development lobby, or that the secretariat is biased towards the environmental lobby. It is an occupational hazard for lynch-pin organizations which have service delivery responsibilities. The problems this creates for secretariats relate particularly to criticisms of the credibility of their information sources, the transparency of their data collection processes, and the accuracy and objectivity of their data/information analysis. Where conventions have a history of NGO inclusion (rather than exclusion) and where secretariats work cooperatively with NGOs, criticisms such as these are less likely to arise. This has generally been the case with CITES and

WWF/TRAFFIC International, and wildlife industry groups; Ramsar and IUCN, IWRB, and duck hunters; the FCCC and environmental and petrochemical industry NGOs.

NGO cooperation on reporting and related matters in these treaties, contrasts with those international agreements which are seen to exclude or resist NGO input from one or both philosophical perspectives. CCAMLR is often criticised for obstructing environmental NGO attempts to bring data on overfishing and illegal by-catch to the attention of the CCAMLR Commission (Pers. Com.CCAMLR Sec.1995). This then casts doubt (by association) on the credibility and effectiveness of the CCAMLR Secretariat as an impartial body, in spite of the Secretariat's informal acceptance of well substantiated NGO information for consideration in the CCAMLR reporting system (Pers.Com.CCAMLR Sec.1995).

Summary

Political constraints in general are the most potentially negative and fundamental of all the obstacles confronting secretariats. Without member support secretariats may as well not exist, members being the source of organizational legitimacy and funds. It is clearly in a secretariat's interests to identify the nature and sources of political constraints and to manage them strategically. The significance or impact of each category of political constraint on a secretariat varies among the conventions and over time. At one point of time, tension between a secretariat and its partner organization(s) may be more of a problem for the organization than its relations with members. At other times, organizational relations with a particular group of stakeholders such as NGOs may focus secretariat attention as occurred when environmental NGOs targeted the CITES Secretariat's management of the ivory trade issue in 1989. Recurring political problems for all secretariats are however, the impacts on organizational task performance of frequently changing national governments, their expectations and policy priorities, and in-country competition among bureaucracies for resource allocation and the management of treaty responsibilities.

Financial Constraints

Late and/or Non-Payment of National Contributions

Budgetary uncertainty is a major problem for all secretariats, be they UN agency or treaty secretariats. Persuading countries to pay, and to pay on time, is a recurring chore. As their budgets are extremely small by IO standards, late payments can severely hamper a treaty secretariat's ability to plan and to carry out its tasks (Sandford, 1996). In 1986, the UNCTAD Secretariat had a of budget $US25 million and the UNSECO Secretariat budget was $US500 million (Weiss, 1986; Ghebali, 1986). The administrative budget of the GATT Secretariat was SFr.94.1 million and that of its replacement organization the WTO (World Trade Organization) Secretariat is Sfr.115.6 million in 1996 (The Green Globe Yearbook, 1996). In contrast, in 1994, the budget of the Basel Secretariat was $US1.8 million; the CITES Trust Fund was $US3 million and Ramsar 's administrative budget was Sfr.2.2. million (approximately) (The Green Globe Yearbook, 1994), and in 1995 the net total of the FCCC Secretariat's core budget was $US8.3 million (FCCC/CP/1995/5/Add.2).

The impacts of financial constraints on a secretariat's performance are particularly noticeable in the areas of organizational capacity and the availability of secretariat resources to carry out specific tasks such those of related to performance assessment and compliance monitoring. Funds are required to employ the expert and general staff who oversee the constellation of reporting and performance activities outlined in the previous section, and who in turn compile, analyse, and distribute summary reports and recommendations based on their analyses. For example, at each CoP the secretariat presents its own report on the performance of treaty members, based on the information it receives from multiple sources including national reports, NGO input and advice from scientific experts.

Secretariats employ expert consultants to gather and analyse field data, and to prepare reports on issues of concern such as changes in the ecological character of wetlands and inadequacies in site management. Expert consultants are needed for many specialized tasks, especially those involving complex data as is the case with the science and economics of climate change.

Experts do not come cheaply, nor do the professional staff responsible for overseeing their activities. If parties' financial contributions are late or not forthcoming, it severely limits a secretariats' ability to deliver the goods (by way of required expert reports, secretariat analysis, and policy guidance) to the CoP.

Adequate funds are also essential to purchase technology and/or to purchase access to technology. These include computers for GIS (Geographical Information Systems), and the satellite tracking systems which are used for remote area surveillance, for example, CCAMLR's proposed Vessel Monitoring System (VMS). These systems ensure the collection of data which is accurate, timely and objective. Computers are used by the secretariats of GATT and WHO to collect and collate global trade and health statistics, and to assess national reports and the performance of countries on issues such as AIDS (Jonsson, 1992; 1993), and secretariats rely heavily on increasingly sophisticated technology for the accurate collection of data on sensitive issues as in the case of illegal fishing in CCAMLR waters.

Satellite technology is now used for a host of reporting and performance review activities. It is commonly used for tracking fish stocks and collecting data on fisheries catches; for arms control/security surveillance activities to detect the stockpiling of weapons of mass destruction; the collection of climate change data; the detection of changes in the ozone layer; the detection of habitat destruction in the Amazon rainforest, and changes in desertification in the Sahel, Africa; and most recently, the detection of sites of genocide in Africa and Europe.

The advantage of using technology for IO reporting purposes wherever possible, lies in its accuracy and relative objectivity. However, interpretation and analysis of the information collected, is usually the responsibility of national bureaucrats, secretariat personnel, and the expert consultants hired by the secretariat. These processes are vulnerable to the intrusion of subjectivity and bias, and can become implementation 'hot spots' for the secretariat if stakeholders doubt a secretariat's impartiality in data analysis. More will be said about this in considering secretariat relations with NGOs, but governments may also question a secretariat's reliability, particularly if its

data analysis casts a negative light on a county's performance, as happened with the CITES ivory trade (Pers. Com. CITES Sec. 1995).

Often the technology required is owned by nations which allow 'friendly' IOs access to their data collection facilities - for a fee. CCAMLR uses the Australian Antarctic Division's data base. This technology does not come cheaply. It is self-evident that non-and/or late payment of national contributions limits a secretariat's ability to plan and to carry out tasks which depend on the use of sophisticated technological systems, by restricting the organization's capacity to purchase access to essential data.

Finally, payment problems related to national contributions have an adverse, ripple effect on all organizational activities, none more so than on reporting and performance appraisal, which lie at the center of a secretariat's portfolio of substantive tasks, and which are significant in determining to what extent a secretariat adopts a passive or a more activist stance *vis-a-vis* its organizational performance and reputation.

UN management planning requires that most secretariats prepare a series of organizational management plans, short-term, mid-range and long-term, to chart their organizational priorities, resources, and workloads. Budgets are then negotiated and agreed with the parties on the basis of these strategic plans. Delays in, and failure to receive, country contributions on which these plans are based, decrease the ability of a secretariat to orchestrate its plans. Budgetary uncertainty means that an organization cannot allocate its internal resources, purchase equipment, or hire the external expertise it requires to carry out its tasks. In the case of reporting and performance review, the logical follow-on is that these tasks may not get done, or are not completed to the satisfaction of the members, resulting in accusations of organizational inefficiency and laziness. Where a secretariat is unable to carry out compliance monitoring activities, it may be subject to accusations, particularly by NGOs, of dereliction of duty or even cover-up of member non- compliance.

Problems in payments of national contributions are at the core of the secretariat's budgetary difficulties, and late payments and/or non-payment

are the traditional means by which parties maintain control over secretariat autonomy and growth, including to selectively limit those secretariat activities about which a country has reservations, performance assessment and compliance related activities being in the vanguard. As noted by Ghebali (1986:123) in commenting on the difficulties confronting the management and administration of UNESCO, international budgets constitute a regular source of political confrontation between the major contributors and the bulk of the member states which happen to be the direct beneficiaries of multilateral cooperation. He added that the UNESCO budget was "a regular bone of contention between the secretariat and the major contributing states," with the secretariat strongly arguing against the zero program growth proposed by the major contributors who were concerned about the secretariat's growth and influence.

Chronic Inadequacy Of Funds

A chronic shortfall of funds often leads to organizational malaise, and over time, its demise as an effective organization. That is, the impacts of a chronic funding shortage can go well beyond the inability of an organization to perform specific tasks. The most obvious case of the difficulties of trying to perform as an effective IO in the face of a chronic inadequacy funds, is the UN Secretariat. This organization's funding problems are predominantly the result of the withholding of national contributions by the world's wealthiest nation, the USA. The USA currently owes some $US1.5 billion in dues or contributions to the UN. The protracted and organizationally destructive process of bargaining between the US Congress and the UN Secretariat over the issue of payment of US dues, has now effectively demasted the flagship of global secretariats. It is a less than subtle reminder of the financial and political power of powerful members.

I expect that it will take the UN Secretariat some years to recover from what I gauge to be the organizational destabilization and the loss of credibility caused by these intensely adversarial negotiations; the down-time and expense involved as resources were temporarily diverted into a struggle for organizational survival; the loss of leadership, and the lengthy readjustment period that will be required as the new leader, Dr. Koffi Annan, works to

establish his position and management style. It is also possible that the UN Secretariat might retreat from an activist to a passive stance as it regroups to work out ways to shore up its financial position and to minimize its resource-dependence on the US. This could well include the formation of coalitions or 'working partnerships' with countries from other political groupings, particularly those from the South, such as the African countries and Asia.

The replacement of Secretary-General Boutros Boutros-Ghali with Kofi Annan in 1997 attracted a lot of media attention. However similar 'coups' have happened in many treaty systems. Events surrounding the replacement of Secretaries-General of the CITES Secretariat, the Ramsar Bureau, the UNESCO Secretariat (Ghebali, 1986; Wells, 1986) and the UNCTAD Secretariat (Weiss, 1986), demonstrate that national 'muscle-wielding' against secretariats is not restricted to the UN Secretariat, nor is it solely the prerogative of the US. The cases of Ramsar and CITES are discussed in detail in Chapter 5.

Tied or Conditional funding

Individual countries and international financial institutions such as the World Bank, IMF (International Monetary Fund) and the GEF, are the main sources of conditional funding. My research found no evidence of conditional or tied funding being used for reporting and performance assessment purposes. It is more likely to be used for capacity building which is considered a more positive use of funds than is performance appraisal which may have negative connotations of surveillance. Nations are understandably reluctant to provide funds which might be used for the performance assessment of a colleague, as in time, they may be on the receiving end themselves. Performance appraisal, and compliance monitoring are viewed as potential threats to national autonomy, unlike capacity building which is seen as a more positive activity which enhances rather than erodes confidence and cooperation among nations.

National capacity building is heavily dependent on external or additional funding. Without this funding many capacity building enterprises would not

take place, as the costs associated with participation in the ever-increasing number of international conventions are prohibitive for many smaller nations such as those in the AOSIS (Alliance of Small Island States) group, less developed countries, and countries with economies in transition. Governments have to pay annual contributions for the upkeep and operation of the treaty infrastructure. Their representatives have to attend regular meetings of their CoPs and subsidiary bodies (usually in Geneva or New York), where they may not have a permanent diplomatic presence, to off-set the need for delegates to travel from their home countries. Membership of a treaty brings with it a host of legislative, regulatory, technical, administrative, and enforcement responsibilities which must be put in place if a country is to fulfil its international legal obligations. Not to do so, risks sanctions for non-compliance - at best 'shaming', at worst, economic and military sanctions such as trade bans and, for example, the on-ground installation of UN peacekeeping forces in a sovereign nation. Membership of international agreements has thus become an onerous task for many countries, and without external funding for capacity building many would not have the funds to meet their treaty obligations.

Traditionally it has been financial support from Northern industrialized countries which has assisted less developed countries with capacity building. This has taken several forms: the provision of technological support; resource, information, and skill sharing; and direct financial aid. The latter usually comes from the sources mentioned, and traditionally it has been the role of the secretariat to act a match-maker or go-between, in assisting to match projects with donors. On some occasions this has caused problems for all, the donor, the recipient and the secretariat.

The problems that conditional funding poses for a secretariat are: accusations of preferential treatment in matching donors and recipients, such as favouring certain counties or groups of countries in the matching process; and accepting monies from sources of which some stakeholders disapprove. Some environmental NGOs have been critical of the CITES Secretariat for accepting funds from wildlife industry groups for use in capacity building in developing countries. Their concern is that an industry group may attach restrictions or conditions on how and where its funds can be used in order to

advance specific industry objectives, rather than those of the convention. To counter these concerns, CITES has initiated a register of approved donors. This will be discussed in Chapter 6.

A secretariat needs to maintain its impartiality in the management of all funding, particularly conditional funding. Failure to do so, can damage the organization's reputation and credibility. Once the organization has lost the trust of its stakeholders, it is immensely difficult to restore.

The UNCTAD Secretariat is an example of a global secretariat which lost its credibility among powerful stakeholders, did not regain it, and in 1995 was disempowered in the UN system by the withdrawal of the political support and financial resources of powerful industrialized states. The UNCTAD Secretariat has been described as a captive of the Group of 77, and it has been argued that the UNCTAD Secretariat has fostered G77 interests at the expense of those of other stakeholders, such as the United States and other western countries (Weiss, 1986). As a result of the Secretariat's intimate links to the Group of 77, it allegedly suffered from role confusion and lack of credibility, was heavily criticized (Weiss 1986), and its growth and influence in the 1990s declined dramatically, in parallel with the emergence of new IOs which also represent developing country interests, and now compete with the UNCTAD Secretariat for developing country funds.

Summary

The most serious financial problems for a secretariat are securing regular and adequate funding. The alternative is financial uncertainty and an organizational inability to perform substantive tasks, or even core tasks as in the case of Ramsar's failure to provide institutionally for funding its CoP. Supplementary or conditional funding from individual members and non-state actors, while essential for successful treaty implementation, is unreliable and variable. This means that all secretariats which wish to develop and maintain proactive network management roles in implementation and compliance have no alternative but to allocate (what seems to be) a significant proportion of the time of their executive heads and boundary-spanning personnel, to 'persuading' parties to pay their

contributions on time, and in identifying additional sources of external funding for essential implementation projects

Organizational Capacity And Management

Treaty implementation is resource-intensive although the pattern of the resources needed for implementation may vary over time. As Young (1967) notes, the extent to which a secretariat's functions can be diversified depends on its organizational skills, resources (physical, personnel, scientific and technical), and time. NGO and government representatives equate secretariat success with the quality of its output, which in turn depends on the expertise and skills of its leadership and personnel and the availability of resources (Sandford, 1996). Where a secretariat, is unable to expand, diversify and regularly update its resource base, its range of skills, and its tasks, the organization's opportunities to grow and to exert influence can be severely restricted.

Implementation requires a wide range of organizational resources: skilled professional and support staff; extensive specialist and interorganizational networks; increasingly sophisticated communication and information technology (IT); and the often forgotten resource, time. In addition, the implementation process contains a number of built-in organizational management and administrative hazards, including surety of finance, staff recruitment, training and continuity, and strategic planning (Sandford, 1994).

Personnel- Mix, Skills and Networks

Personnel Mix

Key obstacles in personnel planning, are the lack of budgetary certainty, and difficulties among the parties in reaching agreement on strategic planning priorities for the secretariat. The budget and the strategic plan are instrumental in determining the mix of personnel required by a secretariat to accomplish the tasks identified in the strategic plan. An inappropriate or outdated personnel mix means that the secretariat will have difficulty in delivering quality outputs and in achieving its organizational goals.

There are two types of personnel employed by secretariats, professionals who have expertise in law, public policy, science, economics, or technology; and general or administrative support staff who act as translators and interpreters, and are responsible for a myriad of administrative and public relations tasks, the distribution of publications, and organizing the logistics of international meetings and satisfying delegates requirements. One of the most important resource management tasks of a secretariat is getting the right personnel and skill mix, such as the number of professional to support staff and within those categories, the types of personnel and the range of skills needed to perform specific tasks at a given point of time in the treaty's implementation history.

The number of generalists among secretariat professionals has diminished in the 1990s and there appears to be increasing dependence on specialists who are experts in specific aspects of an issue such as in the science or economics of climate change, forestry, biodiversity or hazardous waste management. These areas of specialization can then be narrowed even further. For example, a climate change scientist may be an expert in atmospheric physics or oceanography, but rarely both. The disadvantages of a generalist-specialist imbalance in an IO lie in the breadth of skills that personnel bring, or do not bring, to the organization.

Trends in favor of greater professional specialization over the past 15 years, most noticeably in the more reductionist disciplines of science and economics, seem to contradict the global need for a more interdisciplinary approach to resource management, a greater focus on issue-linkage, and an emphasis on improved interaction and collaboration among international institutions. These are all areas which rely on well-developed negotiation and communication skills which are characteristic of international generalists who are experienced in international public sector management and diplomacy. They are skills which are apparently lacking in many scientific and economic experts. In 1995, this point was made by the executive heads and senior personnel of the Ramsar Bureau and the secretariats of CITES, CBD and the FCCC. Professional personnel in IUCN, IWRB and UNEP made similar comments. They all commented on the need to obtain

more generalists on staff in order to maintain a better balance of skills (Ramsar Bureau; CITES Sec; CBD Sec; FCCC Sec; IUCN; IWRB; UNEP, 1995). In their opinions, the personnel balance in some treaty secretariats has, in recent years, been weighted too much in favor of specialists. Their comments relate to the question: What is the best mix of generalist and specialist personnel to optimize secretariat output and effectiveness?

Personnel Skills

Another constraint facing some secretariats is keeping personnel skills up-to-date. Advances in information technology (IT) have been extremely rapid and it has been very difficult for many secretariat personnel to keep up to date with technological developments, especially in the smaller treaty secretariats. It appears to be less of a problem in large IOs with greater task diversity, larger budgets, and regular in-house training programs. Furthermore, access to sophisticated IT skills is less readily available in some developing countries than it is in industrialized countries. This poses a recruitment dilemma for secretariats where selection on the basis of geographical distribution is not always compatible with the organizational need for personnel with sophisticated IT, scientific/technical or data management knowledge and skills. The dilemmas of internal social and cultural diversity will be discussed later. On the other hand, IT processing skills can be rapidly learned whereas cultural sensitivity, negotiation, diplomacy, conflict management skills are less speedily acquired.

Personnel Networks

Personnel recruited to a secretariat bring with them a wide range of pre-secretariat experience and professional networks in national bureaucracies, industry organizations, environmental NGOs, partner organizations and the UN system at large. These experiences and networks can be treaty system assets (Sandford, 1996), but they may also be regarded as liabilities, as when secretariat personnel are accused of succumbing to pressure from their national governments or from NGO colleagues. Extensive and diverse personal relationships and networks built up over years of service in IOs, are also important sources of information, but are similarly subject to criticism.

Another aspect of potential liabilities or obstacles created by organizational networks, is the relationship between a treaty secretariat and its partner organization. This relationship has a profound effect on the resources available to a secretariat, especially where the partner organization is responsible, in whole or in part, for the allocation of resources to the secretariat. The secretariats of CBD and Basel are wholly dependent on the largesse of UNEP for resource allocation, and the CITES Secretariat partly so. These secretariats are firstly dependent on contributions from their parties, who they have to constantly harass to pay, and to pay on time. The contributions then go into a trust account held by UNEP, which deducts 10% for overheads, before distributing funds to the secretariat. This aspect of secretariat-partner organisation relationships has been a perennial source of tension, between UNEP and its secretariats, especially the CITES Secretariat (Pers Com CBS; Basel to CITES Sec, 1995).

Where the CITES Secretariat differs from the other two UNEP secretariats, is that although the CITES Secretariat manages its own trust fund, UNEP still claims a 10% share for administrative expenses associated with being a partner organization. CITES member contributions are thus a de facto source of revenue for UNEP (UNEP/ELI Coord. 2/7 9 May, 1995; Pers. Coms. CITES Sec. 1995). The UNEP secretariats are therefore in a double jeopardy situation with respect to receipt of organizational resources.

Data Management and Technology

Secretariat information acquisition and distribution have been accelerated by developments in electronic transmission and computer and communications technologies over the past 20 years. Information technology has been a mixed blessing for secretariats. On the one hand, it facilitates more extensive, accurate, rapid acquisition of the vast amounts of increasingly complex scientific and other information required to implement a convention. The down-side is that greater, and frequently more unrealistic, stakeholder expectations of secretariat output have accompanied this surge in global communications and information technology. Identifying data and information needs, obtaining the information, processing, analysing, and

turning it into reports and briefings for CoP and public consumption takes time. In spite of the multitude of IT innovations, there have been no comparable innovations in the concept of time. There are still only 24 hours in any one day. As Skolnikoff (1993:217) sums up,

> The increasing generation and flow of information worldwide creates major problems for policy makers. Handling and assimilation of information will, as a result, continue to be a growing problem for all governments.

In my opinion, information overload is an increasing problem for IOs as the managers of international information flows. Political expectations, information demands and the pressures brought about by IT developments, lack of personnel, inadequate funding and organizational resources, and the limited amount of working time available, all contribute to stakeholder and media catchcries of organizational inefficiency.

Workloads and Time Management

Working in a secretariat can be a thankless task. The workloads and deadlines can be punishing and in treaty secretariats, unlike many UN agency secretariats, professional staff are not permanent employees, but are usually on short-term contracts (Sandford, 1996). Chronic understaffing of treaty secretariats is a significant contributor to stakeholder criticisms of poor time management by personnel. However, a more objective examination of the nature and volume of organizational workloads, reveals the pressures created by an increasing number of parties and unrealistic political deadlines, and the demands of processing enormous volumes of data and information. The amount of secretariat time consumed by data and information processing has become a major organizational constraint. In all contemporary conventions, there is a veritable deluge of regular and extraordinary meetings of CoPs, Standing Committees, subsidiary bodies, and a multitude of *ad hoc* working groups, to say nothing of inter- and intra-secretariat meetings and meeting with stakeholders and partner organizations. Secretariat personnel must be present at all of these meetings. In addition, all the participants in this smorgasbord of sessional and intersessional meetings require agendas, briefing papers, technical reports and minutes, to be prepared, amended and distributed before, during and.

Secretariat staff, must be on hand at all times to answer questions, locate missing (or forgotten) information, and advise members as needed. Then, as a result of resolutions, recommendations, and decisions taken in these meetings, secretariats are assigned further substantive tasks. So time flies.

Staffing levels in environmental treaty secretariats are demonstrably inadequate to handle the volume and complexity of information that surges across secretariat desks on a daily basis. While the UN Secretariat had over 500,000 staff in 1995 (New York Times, October, 1995), in the same year, the Ramsar Bureau had a total of 17 staff (including 6 professional) to assist 85 parties; the CITES Secretariat had a total of 22 staff (14 professional) to service 128 parties; the Basel Secretariat had 4 professional staff to deal with 83 parties; and the FCCC Secretariat had 19 professional staff and a total organizational complement of 31 personnel to service 118 parties (Sandford, 1996). In 1995 CCAMLR had 4 professional personnel and a total establishment of 14 full and part-time staff (including translators) to service 28 parties.

Certainly, the UN Secretariat deals with multiple issue-areas, unlike global environmental treaties which are limited to dealing with one issue-area. However, generalizations of unrestricted and unwarranted bureaucratic expansion by many governments and authors in reference to the latter group, cannot be justified, based as they are on government criticisms of the UN Secretariat and UN agency secretariats such as those of UNESCO which, in October, 1995, had 1,105 staff and 727 professionals at Headquarters, plus 283 professionals and 329 support staff in the field. The UNDP Secretariat had 5,500 staff in November, 1995, of which 85% were in UNDP country offices; and the most recent global IO, the WTO (World Trade Organization) Secretariat which replaced the GATT Secretariat, had 420 staff at November, 1995 (The Green Globe Yearbook, 1996).

Information overload poses problems of time constraints. Wealthy Northern nations such as Japan and the USA are well ahead of other nations in the IT race. This creates information production and processing expectations that other countries cannot hope to meet. Most nations are now members a huge number of international conventions, not just environmental conventions

(Jacobson and Brown Weiss, 1994). This means that their delegates and political representatives spend inordinate amounts of time scurrying around the globe from one meeting to another, trying to keep abreast of the relentless flow of information they need to make decisions - decisions that will eventually impact on their domestic constituents as well as on their relationships with other nations. While secretariats are overworked, they have the relative luxury of a single treaty focus, say RAMSAR or CITES or CCAMLR. For national governments, the volume of work and the complexities of implementing environmental Treaty A, can be multiplied many times, as these countries are also signatories to multilateral and bilateral security, human rights, and commodity treaties. They do not have time to analyse and absorb the enormous amounts of information being produced with the help of modern technology.

Information overload and management is a major problem for smaller countries and less developed countries. Not only is information physically overloading the international system, but lot of counties have neither the time, nor the resources to read it, let alone digest it, as a basis for sound negotiations and decision making. This then creates problems for secretariats to whom these countries turn for direct assistance in managing and interpreting the information flow itself, and for assistance in obtaining the resources necessary for capacity building.

Summary

The organizational capacity and management of a secretariat has a direct bearing on its effectiveness, efficiency and its ability to influence policy outcomes. It seems there is no optimum size, personnel mix nor information management system. However chronic under-resourcing, excessive workloads (including increasing information and data loads) and often unrealistic time limitations for task accomplishment, are common obstacles confronting environmental treaty secretariats. The problems faced by these secretariats in juggling stakeholder demands and expectations and insufficient organizational resources to ensure successful output delivery, is acknowledged by many state and non-state actors. However such acknowledgment does not necessarily translate into improved funding or

more staff and equipment. It remains for secretariat heads and managers to 'manage creatively'.

Social And Cultural Diversity

While the secretariat personnel I interviewed in 1993 may not have viewed either external or internal social and cultural diversity as constraints (Sandford, 1994), there is sufficient indication from the literature and from my 1995 field work interviews, to indicate that diversity both within and outside the organization can be problematical in several ways. It is important for convention equity and harmony, that geographical representation is acknowledged in operational terms, for example, in decisions about secretariat work priorities, resource allocation and service delivery, as well as in the composition of the staffing profile of the organization.

The centralization or decentralization of service delivery is a politically and organizationally sensitive issue. The parties of many UN agencies, conventions and their IOs, such as UNESCO, UNCTAD, FAO, ILO, UNHCR, WTO, NPT, CWC, ICRW, and the environmental conventions of WHC, Ramsar, CITES, Basel, the London Convention, MARPOL (International Convention for the Prevention of Pollution from Ships), FCCC, CBD, CCD are all located in Europe. Few, notably UNEP and the Montreal Protocol (Kenya), and CCAMLR (Australia), have headquarters in other than New York or Europe. UNDP is a hybrid. Its headquarters are in New York, but its operations are decentralized and service delivery is coordinated from its numerous country offices. See the UNDP staffing profile mentioned previously.

Institutional centralization stems from the days when Europe and New York were the centres of international relations and diplomatic activity, but times have changed. G77 countries are now a potent political and increasingly, an economic and military force, in global politics. It is understandable that they would prefer to see these changes reflected in the infrastructure and implementation of international agreements. However, Northern countries (and frequently their IOs) have generally resisted decentralization or regionalization of their structures and activities, preferring to operate from

their headquarters in Europe or the USA, in spite of growing pressure from developing countries for a more decentralized approach.

International precedents and UN recruitment formulae tend to be used to resolve the issue of geographical distribution in recruitment. However, the need for a more regional emphasis in the implementation of all global treaties has now become an international norm, spurred on by the growth of G77 power in international politics; an increase in the number of regional economic and cultural alliances such as APEC (Asia Pacific Economic Conference), and the EEC (European Economic Community); and the pragmatism of bureaucrats and NGOs who are primarily responsible for managing treaty implementation at the sub-regional level.

Managing External Diversity: Social, Cultural and Geographical

Decentralization of convention implementation structures and activities is therefore a practical manifestation of the recognition of social, cultural, political, economic, and military differences among countries. Treaty success ultimately depends on the construction and delivery of resources and programs/projects that recognize and appreciate these differences. Structures and projects that are effective in terms of achieving on-ground results in the USA or Europe are unlikely to work in Africa or Asia, where history, social and cultural structures, values, and priorities are vastly different from those of western Europe and North America.

These differences must be taken into account by secretariats in brokering the changes necessary to achieve treaty goals. Western abhorrence of the consumption of wildlife body parts in the traditional medicines and cultural practices of some Asian countries must be understood and addressed in the context of those cultures. The CITES Secretariat has to tread a delicate path on such issues. It has to honor the values underpinning the objectives of the convention and encourage relevant member countries do likewise. It must also assist the parties to change attitudes and practices that have been going on for centuries. At the same time, the CITES Secretariat has to counter the impatience of many Northern environmental NGOs which are outraged by

what they perceive to be the unnecessary and inappropriate consumption of endangered and vulnerable wildlife by these cultures.

Although the importance and sensitivity of issues such as this are well documented in CITES' and WWF correspondence and reports and media releases (WWF FOCUS, 1996;TRAFFIC Bulletin, Vol.15, no.1, 1994; Nowell, Chyi and Pei, 1992), the apparent high level of concern does not appear to have been translated into organizational practice. In June, 1995, responsibility for overseeing CITES implementation in the Asian region was carried out by the Deputy-Secretary General who was also responsible for CITES implementation in the Northern American region, plus was second-in-charge of the Secretariat, a full-time job in itself. To a very limited extent he was assisted in his Asian region work, by a junior staff member and recent recruit, who was on a 2 year secondment as a Junior Program Officer (JPO) from a country in the region which was paying her salary. National environmental budgetary constraints meant that the officer's term of secondment to the CITES Secretariat was unlikely to continue beyond one term as her government wanted her to return (Per.Coms. CITES Sec. 1995).

Dealing with such issues from secretariat headquarters in Geneva, rather than from a permanent management presence in the Asian region, raises the question: How effective can a convention such as CITES really be, if its organizational structures and management practices fail to appreciate the enormity of the task of dealing with social and cultural beliefs which appear to run counter to the spirit of the treaty?

The sands of time are running out for many CITES endangered and threatened species. Tigers, whose body parts make up a major segment of the illegal traditional medicine trade in Asian markets, may be extinct in the wild by 2000 (WWF FOCUS, 1996; TRAFFIC Bulletin, Vol.15, no. 1, 1994; Linden, 1994) This would seem to be a sufficiently sound argument in favor of decentralization of CITES operations to support an on-ground presence in CITES' Asian region and the provision of additional secretariat resources, if the parties were seriously committed to respecting and dealing effectively with the social and cultural differences which constrain the achievement of treaty objectives.

When conventions and their IOs talk about the significance of recognizing social and cultural diversity in treaty implementation, the focus is squarely on 'diversity' as it applies to national entities. The UN has developed a formula based on regional rotation among its geographical regions (geographical representation), which ensures that each region is represented in a convention's decision making forums and in the staffing profile of its secretariat. The intent of this policy is to ensure equality of representation of all regions. An example of this policy is in the appointment of the UN Secretary-General. The incumbent is selected from among nominations put forward to the UN Security Council by each UN region. Each region takes it in turn (rotation) to nominate a candidate(s) for selection. At present an African nominee holds the post.

Geographical (political) representation is not the same as social and cultural diversity, and recognition of the status indigenous peoples has been a glaring omission from discussions of geographical representation, in spite of the adverse impacts of international economic development and environmental conservation initiatives on their cultural survival. International political recognition of indigenous peoples is threatening for most national governments. In many countries, claims for indigenous land rights conflict with legal and political concepts of individual private property rights or state ownership of land. After water, land is the resource most fundamental to human survival, and attempts by indigenous and tribal peoples to exert ownership and management control over areas of land, are interpreted as threats to state control and even as a national security risk. "Threats to national security" are commonly used by national governments as a rationale for a country to exert control over minority groups which, it perceives, may threaten the status quo.

In countries such as Indonesia and Sarawak where there is a long tradition of management and control of forest resources by the State, there is resistance towards recognition of the rights of indigenous peoples and to granting them some degree of control over these resources (Sweptson and Tomei, 1994). Indigenous peoples in the Amazon River catchment including the Yanomami of Brazil and Venezuela, also have to deal with the often armed

opposition of national governments and international corporations, in their attempts to preserve their cultures, in the face of the adverse impacts of economic developments such as forestry and mining (Ramos, 1993; Centeno and Elliot, 1993).

The issue-linkage of economic development (forestry, mining), human rights (indigenous peoples), environmental management, and (purportedly) national security, raises potential difficulties for the implementation of treaties such as the ITTA. International concern about the violation of the rights of indigenous peoples is gathering momentum in consumer countries of the North, particularly those of Europe and North America. However the current reality is that in spite of issue-linkage and Northern concerns for the rights of indigenous peoples, the cultural and social significance of their traditional practices are recognised by few international trade, security, or environmental conventions or their IOs, with the exception of the CBD.

Indigenous peoples often seek the assistance of IOs such as those of UNDP, UNEP, ILO, environmental treaty secretariats, international NGOs and the media, to put their views, to canvass international political support, and to seek financial assistance for their causes, particularly where national governments are not responsive to their appeals for equity, social and economic justice, and access to resources and decision-making. However, I am not aware that indigenous minorities are represented in the staffing profile of international treaty secretariats, as for these organizations to actively encourage such representation would be politically risky. It could be construed by governments as a direct intervention in domestic politics, and in any event it is governments which nominate secondees to a secretariat. I am also not aware of indigenous peoples being nominated for secretariat secondments by NGOs

Managing Internal Diversity

The tension between the appointment of personnel on merit or as required by the UN geographical representation formula (known as 'geographical distribution' in UN personnel policy), is a perennial problem for all secretariats. This tension is evident in the implementation and resource

allocation decisions taken by the parties, and in the politics of staffing and managing a secretariat. The situation has been exacerbated in recent years by developments in technology and science where Northern countries are the primary sources of the expertise and skills needed to implement treaties on complex security issues such as nuclear and chemical weapons, and environmental issues such as climate change.

The problem for secretariats is how to put into practice the UN's geographical distribution formula, and at the same time recruit the expertise needed to deliver the quality secretariat outputs expected by the parties and on which treaty and secretariat survival depends.

Much has been written about these difficulties as experienced by the secretariats of UNCTAD (Weiss, 1982: 1986) and UNESCO (Wells, 1986), during a period that Wells describes as the "decolonization" of UNESCO, where appointments to senior management and professional posts in UNESCO, clearly mirrored the shift in the power balance of global politics, from Northern to Southern dominance. The concerns expressed by both Weiss and Wells, relate to the inadequacy of the personnel skills and expertise recruited to the secretariats where appointments are made on the basis of geographical loyalties rather than on merit.

For most secretariats, recruitment is not just a tussle between geographical distribution and merit. They have to simultaneously juggle organizational size and heterogeneity. It is impossible to optimize organizational heterogeneity without increasing the size of an organization, or sacrificing personnel and skills. The bulk of the world's economic wealth, scientific, technological and economic expertise is controlled by Northern countries, which understandably wish to be well represented in IOs as a means of keeping an eye on their own interests. Historically, most UN secretariats have been dominated by personnel recruited from these countries. However, with the acceleration of decolonization since 1945, Southern countries have achieved improved representation in secretariat staffing profiles consistent with the UN's geographical distribution policy.

The UN Charter Article 101.3 makes the geographical quota an elementary principle of filling organizational posts, and the ratio of member states' financial contributions determines the approximate number of posts that each member will obtain in the organization. Justification for geographical quotas is based on two arguments. Quotas are thought to be politically necessary as international institutions must reflect universal membership, and an international administration and its decision-making should profit from the advantages of organizational heterogeneity (Weiss, 1982).

It is a Catch 22 situation for secretariats. For many secretariats, they cannot increase in size to accommodate geographical interests without forfeiting organizational quality, which in turn is a risk to organizational survival, dependent as secretariats are on national contributions. Alternatively, to opt for merit at the expense of representativeness, is also tempting fate, as if parties take offence at being excluded, payment of their contributions is likely to be 'delayed'. It can seem a no-win situation for a secretariat.

Organizational Loyalties And Leadership

The organizational loyalty of a member of the ICS should be, first and foremost, to his/her employer, the IO. However as Weiss points out, "a person recruited, hired, and promoted according to his or her national origins would normally hesitate to ignore them" (Weiss, 1982:293). The tension between national loyalty and loyalty to the ICS with its tenet of impartiality, creates a dilemma for the person who takes an oath of allegiance to the ideals of the ICS, but whose long-term career probably lies in his/her home country, rather than with the ICS. When a national government attempts to exert pressure on its nationals to use their position in the secretariat in the national, rather than the international, interest this can create a conflict of loyalties for staff.

Problems of National Government Influence

The difficulty here is in reconciling international loyalty and international efficiency with the desire of member states to control their nationals in international service (Weiss, 1982:294). A number of comments made by

secretariat staff, government delegates and NGOs during my 1995 interviews suggest that national government pressure varies among nations, some having a reputation for attempting to exert pressure on their nationals, both inside and outside of their office hours, and quite blatantly at times. In addition to putting pressure on staff, as Weiss (1982:294) notes, and my interview data supports, "[some] governments increasingly exert significant pressure for all professional posts no matter how junior".

In his comments on Soviet and US techniques for exerting pressure on nationals in international civil service, Weiss (1982) notes that it was widely known that Soviet international civil servants were dependent on their government for initial appointments and for subsequent promotions, and that the United States' position towards the international civil service has always been ambivalent. He makes it clear that the US has no compunction in using its political and economic power to influence UN staff appointments. The 1997 replacement of the UN Secretary- General, Dr. Boutros-Ghali (apparently in response to US concerns), seems to lend weight to this argument. Weiss concludes that: UN personnel policies reinforce the primacy of national interest in international decision-making; the acceptability of this practice is almost unquestioned; and it certainly has a negative impact on organizational integrity. In this way, actions such as those of the former Soviet Union and the USA sanction the legitimacy of national interests and the acceptability of influencing organizational decision-making through national representatives in an international administration. Weiss (1982:298)

Organizational Leadership as a Constraint

The role of leadership in the performance of international regimes is contested in academic circles, many political scientists arguing that it is of little importance or is exaggerated in analysis of regime politics (Weiss, 1982). Young (1991) argues to the contrary. In his opinion, leadership is a necessary (but not sufficient) condition for success in efforts to reach agreement on constitutional contracts at the international level, and it "looms large" in the context of institutional bargaining. Young identifies three forms of leadership: structural leadership, entrepreneurial leadership, and intellectual

leadership. Structural leaders are experts in translating the possession of material resources into bargaining leverage. They act as agents of the parties in bargaining processes. Entrepreneurial leaders rely on negotiating skill to frame issues in ways that foster integrative bargaining and put together deals. Intellectual leaders are individuals who rely on the power of ideas to shape the way in which participants in institutional bargaining understand the issues at stake and to orient their thinking about the options available to come to terms with these issues. Hall's (1994) case study of the evolution of leadership in the Antarctic Treaty System confirms Young's hypothesis that political leadership is a multi-dimensional phenomenon which plays a critical role in regime formation. Hall suggests that entrepreneurial, structural and intellectual leadership are necessary for regime formation to occur. However neither author deals specifically with the leadership of IOs in regime implementation, nor leadership as an IO constraint.

To study leadership as an IO constraint is a research topic of its own, and it has not been a major focus of my research. However, my 1993 and 1995 fieldwork indicate that organizational leadership can, and does, make a difference to organizational success. The executive head of a secretariat can be an asset or a constraint for the following reasons. First, the way in which the executive head views the organization's role and organizational potential in treaty implementation, is a major determinant of the extent to which the organization pursues an activist or a passive path. This is confirmed by the substantial literature on UN secretariats as outlined in Chapter 1. Second, the formal leader or executive head of a secretariat personifies the organizations values and its *raison d'etre* in the external environment, in this case the treaty system, and may argue for and protect (or not protect), the organization from 'plunder' by states in the 'resource wars' over budgets and organizational responsibilities.

Third, the performance and leadership style of the executive head has an effect on organizational loyalty. A leader who protects organizational values and resources is more likely to have the support of his/her employees than one who does not, as s/he acts as a buffer between them and the parties. In protecting organizational interests, the executive head is also seen to be protecting the individuals who make up the organization. Conversely,

organizational membership also provides an executive head with a mantle of protection. There is, after all, safety in numbers. It is a reciprocal relationship.

In event of a conflict of interests or goals between the secretariat and the parties, it is the leader rather than the staff, who will be sacrificed first in a gesture of appeasement to the most powerful stakeholders. A former executive head of CITES was reputedly asked to resign to pacify powerful environmental NGOs in the USA who had been vociferous in their criticism of his alleged pro-ivory trade stance (La Pointe, 1992; Pers.Coms. CITES Sec; Pers.Com, La Pointe, 1995; Pers.Com.WWF 1995)

Where a leader does not appear to put the organization and its personnel ahead of his/her personal ambitions, such a leader will not protect the organization from external pressures nor inspire loyalty. Any resulting internal dissatisfaction has a way of 'becoming known' to parties, who can then act on behalf of secretariat members to remove the leader.

Summary

In conclusion, attempts by national governments to influence secretariat practice via pressure on their nationals within the secretariat appear to be less of an organizational management problem than does leadership. In any organization, the style and strength of its leadership has a significant bearing on both organizational performance and how the organization is perceived by its stakeholders and by staff. Although leadership was not a specific focus of my study, my research indicates that leadership is a important phenomenon in successful treaty implementation, as it is in regime formation. While all secretariat executive heads (and their staff) provided intellectual leadership, the leaders of activist secretariats were primarily entrepreneurial leaders who also exerted structural leadership in resource acquisition. This could well be an area for further research.

Implementation Conflicts

Conflicts are costly. They take their toll on secretariats politically, financially and organizationally. The difficulties of predicting conflict emergence create strategic planning, network management and resource allocation problems for a secretariat, especially for those secretariats with small budgets and few personnel relative to their members expectations and their organizational functions. Implementation conflicts are thus major consumers of organizational resources.

My research has identified three groups of conflicts in which secretariats are regularly involved. They are conflicts: between and among treaty members; between members and non-state actors such as IGOs and NGOs; and in-country disagreements between governments and domestic NGOs, and among competing national bureaucracies.

In this section I merely seek to outline the nature and some of the implications of implementation conflicts as organizational constraints. Considerable detail will follow in subsequent chapters. I have chosen to structure the dissertation in this way so as to optimize the attention given to what I contend to be significant obstacles to the implementation of international agreements, but which have been largely unrecognized in both scholarship and practice, namely 'implementation conflicts'.

In the chapters that follow this one, I give numerous examples of conflicts and disputes in which personnel from the Ramsar Bureau, the CITES Secretariat and to a lesser extent the CCAMLR Secretariat, have been involved as intermediaries. In Chapter 5, I outline why these obstacles, (among others) have emerged in each convention. In Chapter 6 I examine how each secretariat has dealt with the conflicts and disputes that have emerged during implementation. In Chapter 7 I analyse a key, unexpected research finding, - that secretariats have used, and continue to use, conflict management processes unwittingly to overcome the implementation difficulties they encounter. It is my belief that this finding offers opportunities for secretariats to turn implementation conflicts as obstacles, into opportunities for organizational development.

Conflicts among Members

The unwritten lore of network management and treaty implementation is that conflicts are inevitable, yet when they emerge they are greeted, at least publicly, with surprise. Perversely, conflicts can often be foreseen by secretariats. Through the formal and informal activities associated with the performance of their three, key substantive tasks, secretariats often act as instruments of early warning of conflict emergence. Secretariats, as the impartial and trusted confidants of many stakeholders and as the lynch-pin organizations in information flows, are extremely well placed institutionally to prevent and manage conflicts that might emerge at any stage during an implementation process.

In anticipation of such events, secretariats need to have an organizational policy on if (and how), they might be involved in conflict management and dispute resolution. In arriving at a decision on a secretariat's stance in relation to conflict management, much will depend on the leadership given by the executive head of the secretariat, the advice that the executive head receives from the parties and the extent to which s/he is prepared to support treaty objectives in the face of political opposition from some parties. A passive secretariat will go to almost any lengths to avoid being involved or implicated, directly or indirectly, in conflict (Archer, 1992). A passive secretariat tends to view conflict as a mortal threat to organizational survival. This certainly seems to be the attitude adopted by the CCAMLR Secretariat which operates in a state of 'conflict denial' as discussed in Chapters 5 and 6.

In contrast, an activist secretariat such as the CITES Secretariat takes a more positive attitude to conflict and sees it as an opportunity to use its considerable conflict management expertise and skills, and to demonstrate its credibility as an impartial ICS. It therefore sees conflict management as a risk worth taking, as a means to enhance its organizational reputation and (potentially) its resources. In taking such a stance, an activist secretariat usually justifies its actions as being in the interests of achieving the objectives of convention.

Sometimes, of course, calculated risks such as these do not succeed. Former UN Secretary-General, Boutros Boutros-Ghali was heavily criticized for his peacekeeping efforts in Bosnia and Somalia (The Australian 22-23 June, 1996). Overall, the opportunities appear to outweigh the risks. After all, governments come and governments go at fairly short intervals, but the survival of secretariats, in one form or another, is more enduring.

In Country-Conflicts

In-country conflicts in which environmental treaty secretariats become involved either directly or indirectly in their capacity as network managers and multilateral brokers (MLBs), often concern advising the national environmental management agencies responsible for implementing and enforcing in-country convention compliance, on how they might handle resource allocation conflicts among competing national agencies. In fact, conflicts among government departments within countries are perceived to be more of a problem for the Ramsar Bureau than are conflicts among parties. The Ramsar Bureau regularly assists with managing conflicts that develop among stakeholders within a country over issues such as monitoring (Pers.Coms. Ramsar Bureau, 1995).

Problems relating to inconsistencies in CITES domestic implementation and compliance measures, are the most frequent sources of conflict both within and among CITES member countries (Pers.Coms. CITES Sec,1995).

In CCAMLR's case, little information was forthcoming from either the secretariat or delegates. There was considerable reluctance by these stakeholders to acknowledge, let alone to discuss with an outsider, any problems CCAMLR might experience, even though the media and environmental and fishing industry NGOs regularly highlighted the difficulties for CCAMLR of monitoring and enforcing CCAMLR requirements in such a remote area. Incidents of illegal fishing are the most frequently publicized of the conflicts. CCAMLR enforcement is carried out by member governments some of whom are criticized by NGOs for their apparent lack of political will to prosecute their own nationals for fishing

illegally. Some countries also appear to lack the capacity to enforce compliance.

Conflicts and NGOs

Conflicts involving NGOs and Ramsar parties, and between the Bureau and NGOs, appear to be rare. Nor are conflicts always viewed as negative phenomena. For example, NGOs use conflict to draw public and political attention to an issue such as changes in the ecological character of a transboundary wetland. In situations such as this, a stakeholder, usually an affected member, may ask the Bureau to act as an 'honest broker'. In this capacity, the Bureau helps both the members and the NGOs to reach agreement on how such a problem might be addressed in a way that ensures compliance with Ramsar requirements.

When tensions and conflicts develop between members and NGOs, the CITES Secretariat is often called on to provide expert advice and to act as an informal intermediary as occurred in negotiating the 1994 Lusaka Agreement to manage African wildlife. Unfortunately, the historically-sound relations between the CITES Secretariat and some environmental NGOs were soured by NGO allegations in the late 1980s, that a former CITES Secretary- General was biased in favor of ivory trade interests. I discuss this conflict in detail in later chapters. However, the Secretariat's reaction was to keep the channels of communication between the organization and NGOs open, regardless of this incident.

The CCAMLR Secretariat's response to chronic conflict between several of its parties and environmental NGOs, particularly Greenpeace, appears to have been passive. The Secretariat sees no point in challenging party hostility to these organizations, nor has it ever been asked to act as an intermediary in this conflict. There do not appear to be comparable problems with CCAMLR members' relations with fishing industry organizations.

Intraorganizational Impacts of Conflict

The resource demands of conflicts extract a heavy toll on secretariats which are chronically underfunded and under-resourced. The difficulties commence with the lack of attention given to conflict prevention and management in an organization's mission statement and strategic planning. Mission statements and strategic plans are, in themselves, sporadic and recent innovations in the case study secretariats.

First, parties are wary of extending treaty texts and secretariat management guidelines to specifically include references to conflict prevention and management as organizational goals or tasks in a secretariat's mission statement. This stems from the reluctance of the parties to cede any form of organizational self-determination, let alone control, to secretariats, and it is expressed in criticisms of organizational excess which are not justified in the case of environmental treaty secretariats (Sandford, 1994;1996). Failure to formally acknowledge secretariat conflict management activity in a mission statement or a statement of organizational objectives, precludes its inclusion in strategic planning, or as a justification for resource acquisition and resource allocation. The result is, that when conflict surfaces as it inevitably must given the diversity of conflicting stakeholder interests over the time it takes to implement a treaty, a secretariat is ill-equipped both in terms of political endorsement and the availability of organizational resources, to tackle the problem. Yet it is expected by most stakeholders that secretariats should use their expertise and institutional position to deflect, defuse or 'sort out' those issues that are causing such angst, and possibly militating against the successful implementation of the convention.

In spite of the failure of parties to formally acknowledge the reality of conflict, they nevertheless expect that when it emerges, the secretariat is likely to be the first port-of-call for disaffected interests. The attraction of the secretariat as a potential intermediary is: it has a global as distinct from a partisan, perspective on convention issues; it is generally trusted by most members; it is the institutional repository of information, knowledge, skill and experience in treaty matters over time; and it has a more intimate understanding of the positions and problems of all stakeholders than does the CoP. The organization's professionalism and perceived impartiality are also valued.

Political caution and national saving face are important elements of international diplomacy. For example, even when conflict is not a problem, it is sometimes difficult for a country to negotiate bilaterally on an environmental matter with a neighbouring country, when it may be in dispute with that same country over a trade issue. In circumstances such as this, providing that both parties are members of at least one common treaty, the party concerned about the conflict, can seek the assistance of the environmental treaty secretariat to approach the neighbouring country and/or the trade secretariat on its behalf (Sec. Pers. Coms. CITES, Ramsar, FCCC, CBD, WHC, Basel, 1995). In this way the secretariat 'manages' the conflict by acting as an intermediary.

The problem for the secretariat is that conflict management tasks, while crucial for maintaining convention harmony and positive policy outcomes, cannot budgeted for as they do not officially exist. Scarce organizational resources including the use of the expertise and time of professional personnel and support staff, and travel budgets must be deployed to meet this challenge. This takes away resources from other recognized activities. Secretariats find it very difficult to explain publicly their apparent diversion from officially sanctioned activities to less formal but critical ones, especially where party confidentiality is involved.

Conflict management is a stressful task for even trained and experienced intermediaries. It calls into question the professional conflict prevention and management skills and competencies of secretariat personnel, and the qualities of acceptability to the parties, sensitivity, patience and creativity, which together arguably constitute key credentials of an accomplished conflict manager or intermediary (Susskind and Babbitt, 1992; SPIDR 1995). Professional expertise in a traditional discipline such as science, economics or law, does not automatically equip a secretariat employee with effective conflict management skills.

Pre-empting and dealing with conflict requires specific expertise and skills, training, stamina, a sense of humor and a preparedness to be a scape-goat for everything that could go wrong in assisting the participants to arrive at a

mutually acceptable resolution of their difficulties. Intermediaries in international public policy conflicts deal with multiple and complex issues, a multitude of stakeholders with diverging interests and priorities, and considerable issue and institutional uncertainty. Many secretariat staff would argue that they are innately suited to the job of intermediaries and that they perform as such in their day-to-day-work in the secretariat. The merits of this argument have been touched on earlier and will be discussed in more detail in Chapters 6 and 7.

Impacts on Secretariat Personnel

What has not been discussed, is the impact of conflicts on the personnel and on the morale of these organizations. As conflict management tasks are not formally acknowledged as additional tasks, personnel receive no recognition, nor remuneration for performing personally and organizationally high-risk, and stressful duties. High-profile intermediary activities generally fall to the more senior and experienced professional personnel, and the executive head. While senior staff are so engaged, their daily tasks must be delegated to already overworked more junior and less experienced personnel. This may result in a backlog of work and criticisms by members of organizational and personal inefficiency (Pers. Com. CITES, FCCC, Basel Secs 1995).

Professional personnel perform as intermediaries in less conspicuous ways. The implementation of most treaties and UN programs now has a regional focus. This means that responsibility for successful implementation processes and outcomes in a region is assigned to a particular staff member (in each secretariat. This officer becomes the first point of contact for regional stakeholders. It is usual practice to assign responsibility for a region to an officer from a country in the region, as the secretariat and the parties can benefit from his/her regional contacts, language skills and understanding of the social and cultural diversity of the region. The officer thus has a personal as well as a professional investment in regional policy outcomes. S/he is therefore subject to more intense stress associated with potentially competing organizational and national loyalties, and career and personal repercussions which result from being perceived by the home country as 'taking sides' in a

dispute in which the home country feels disadvantaged, and in which the officer acts as an intermediary.

Official acknowledgment of intermediary activities as a legitimate additional task for secretariats would ameliorate these partisan reactions and decrease the stress and the possible career repercussions experienced by secretariat personnel acting as intermediaries.

Impact on Organizational Resources

As will be discussed in subsequent chapters, expenditure of organizational resources in assisting stakeholders with conflict prevention and management, has to be weighed up against resource availability (and political and financial support). It may mean a re-ordering of organizational policies, priorities and resources. Formal acknowledgment of a secretariat's involvement in conflict management activities may also fuel treaty members' concerns about the 'unfettered expansion' and influence of the organization. This in turn may give the parties an excuse to down-size the organization.

When it comes to global environmental treaty secretariats, down-sizing is a completely unsatisfactory notion, given their minuscule resources and size, relative to the number of parties and their parties' expectations of them. It should be more a case of working out how and where secretariats can be most effective in delivering treaty outputs, providing that members sincerely want the treaty to be a success. It may well be that it is more effective for treaty secretariats to act as conflict managers, than to perform some other roles and tasks such as direct assistance with capacity building which, might for example, be contracted out to other organizations.

The key to organizational survival for an activist secretariat in these circumstances, is to turn conflict management as a constraint, into conflict management as an opportunity. The precedent for secretariat involvement in intermediary activities such as negotiation, mediation, good offices and other conflict management activities is endorsed in Article 33 of the UN Charter. Article 33 urges Parties (and by inference secretariats) to seek pacific

settlement of disputes; and in Article 98 which instructs the UN Secretary-General to bring to the attention of the Security Council "any matter which in his opinion may threaten the maintenance of international peace and security". Environmental management conflicts are one such matter, and as Alheritiere (1985:701) notes, "among the very many sources of international conflict, conflicts involving natural resources may claim, from an historical perspective, to be the most numerous".

Summary

In summary it is clear that implementation conflicts must be considered as a constraint before they can be considered as the opportunity that I believe they are, for the more effective and efficient deployment of secretariat resources. In the eyes of some nations, implementation conflicts may stretch, and even exceed, the organizational mandate of the secretariat. In addition, they have the potential to 'chew up 'organizational resources of time, funds, and personnel. Both these factors have the potential to threaten organizational survival. Paradoxically, the successful management of conflict is a growth area for secretariats as network managers, in that by successfully managing the conflicts and resolving disputes that emerge as an inevitable part of implementation, they not only facilitate the success of the treaty, but ensure their organization's survival and potential growth - providing that the organization's contribution is recognized and valued by the parties.

Summary

My assessment of the relative significance of each category of obstacles confronting secretariats, is that political and financial constraints and implementation conflicts, are the ones which potentially have the most adverse effects on secretariat performance and impacts. Social and cultural diversity, organizational loyalties and leadership appear to be lesser constraints, while an adequate organizational capacity and effective management are fundamental to secretariat successful task performance and influence.

Relationships with members and NGOs are frequently sources of tension, as is the strain of having to deal constantly with funding irregularities and delays. The scarcity of organizational resources of personnel, technology and time has become particularly acute as IT demands increase, and as parties join an increasing number of international agreement which compete for their attention and national contributions. Secretariats also have to deal with the difficulties of meeting political requirements for a more decentralized approach to implementation in spite of reduced organizational resources. Balancing recruitment and staffing needs for skilled and experienced personnel with international demands for improved organizational heterogeneity without compromising the quality of organizational output, is an ongoing problem for all IOs. Conventions which fully recognize global social and cultural diversity, including the needs of indigenous peoples, still seem some way off.

Underlying all of this are internal organizational issues such as the potentially conflicting loyalties confronting members of the ICS. However, this issue seems to be a lesser constraint than does organizational leadership, or the lack of it, as evidenced in Ramsar, CITES and CCAMLR.

Finally, treaty implementation is never without conflicts. Some are small and easily resolved, while others may escalate and risk spilling over into other issue-areas, thus compounding implementation problems in both. It is impossible for secretariats to avoid some degree of involvement in the difficulties that arise during the implementation of a convention. This raises several questions for them. Of particular difficulty for secretariats is: What should or could their role(s) as network managers be in the prevention and management of implementation conflicts? Conflict management already occurs but is not officially recognized by the parties who view official secretariat involvement in such issues with considerable disquiet.

Other questions for secretariats are: How to 'do more with less', given the parlous state of their current organizational resources? and, What impacts will their involvement in conflict management have both on treaty outcomes and on the internal dynamics of the organization?

In analysing these constraints, it is important to consider *why* these problems have emerged, and then examine *how* global environmental treaty secretariats have turned these challenges into opportunities. In these resource-stressed times, more than ever before, the success of treaty implementation will depend on the creative use of limited resources, including those of treaty secretariats.

CHAPTER 5: WHY PROBLEMS EMERGE

Introduction

Chapter 4 outlined the factors inhibiting secretariat task performance. Political and financial constraints; organizational capacity and management; social and cultural diversity; organizational loyalties and leadership; and conflicts that emerge during the implementation process, all create barriers to implementation success. This chapter examines why these constraints emerge. Understandably, there are differences in the nature, severity and impacts of the problems facing each organization. Each requires a different solution. What works for one treaty system may not work for another. However, there are a number of constraints experienced by all of the secretariats, and there are lessons to be learned about what works, from those which have been successful.

CASE STUDY 1: RAMSAR

Problems Of Institutional Evolution

The initial call for an international convention on wetlands came in 1962 following concern in Europe about the rate and scale of 'reclamation' or destruction of marshes and wetlands and the resulting decline in the numbers of waterfowl.[1] Over the next eight years and primarily under the auspices of IWRB, a convention text was developed at a series of international and technical meetings. Eventually, Ramsar was signed in 1971 at Ramsar, Iran and entered into force in 1975 (Davis, 1994).

Ramsar had few predecessors from which to learn in establishing its institutional infrastructure. It was the first convention devoted to the conservation of a specific ecosystem (Mathews, 1993). It was an 'enthusiasts' convention. Dan Navid, a former executive head of Ramsar, in commenting on the differences between Ramsar as one of the first environmental

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[1] The MAR Conference which launched the concept of Ramsar, was organized jointly by IUCN, the International Waterfowl Research Bureau (IWRB) and the International Council for Bird Preservation (ICBP).

conventions and more recent conventions, said that Ramsar was created by scientists and technical people, whereas the more recent conventions were created by politicians and activists. In his opinion this explained the lack of attention to institutional and administrative detail in the original Ramsar text, as politicians and activists fall naturally into looking at administrative structures, budgets, power and authority, whereas scientists do not. Another reason Navid gave for the haphazard beginnings of Ramsar was that it developed via other organizations, namely IWRB and IUCN, as those involved with negotiating the convention had hoped that Ramsar might not need to set up its own bureaucracy. This proved not to be the case (Pers. Com. Navid, 1995).

Many of the constraints the Bureau has experienced and still experiences, can be traced back to what in today's world we would regard as an extraordinary lack of foresight in drafting the text and in establishing the institutional infrastructure of the convention, especially the implementation provisions. In this respect, Ramsar is still playing 'catch up'.

The original text had no provisions for: amendment of the text or correcting any subsequently perceived inadequacies; the establishment of a permanent secretariat; funding the administration and implementation of the convention; and, dispute resolution (Mathews, 1993). These problems have now been rectified, but only relatively recently. Another fundamental flaw was that English was the dominant official language. This created considerable international disquiet particularly among Francophone and Spanish speaking governments and their former colonies in Africa and South America, these continents being the location of many internationally significant and vulnerable wetlands. Many of these countries refused to join Ramsar until French and Spanish were adopted as working languages of the convention. This oversight was not corrected until the Paris Protocol entered into force in 1986.

Further key adaptations in the Ramsar Convention since 1975 (in addition to the amendment clause and the addition of two official languages) have included: the establishment of a Standing Committee and a permanent secretariat, the Ramsar Bureau; the establishment of a budget and the

Wetlands Conservation Fund; and the 1996 adoption of the Ramsar Strategic Plan 1997-2002. See Appendix 1 for additional information.

Political Constraints

Relations with Members

Changes in Membership and Policy Directions 1975-1997.

According to the Bureau's longest serving member who was an instigator of Ramsar's creation and who has been with the Bureau in all its forms since 1971, the Bureau has very good relations with its Contracting Parties (CPs) (Pers. Com. Bureau, 1995).

Ramsar's most difficult task now, and the source of many of the Bureau's contemporary problems, is how to manage the changes inherent in Ramsar's coming of age, particularly the increasing politicization of wetlands. Where once wetlands were seen as the province primarily of biologists and birdwatchers, now they are hotly contested as agricultural and commercial development sites especially in developing countries. That Ramsar is becoming more politicized "is sign of growing up and being taken seriously" (Pers. Com. Bureau, 1995). The changes resultant of this, have caused and continue to cause, tensions to emerge among the parties and between the Bureau its stakeholders.

There has been a sea change in global politics since Ramsar entered into force. Developing countries have now become a significant force in international politics and many of them do not share the same political traditions, nor do they have the same economic, social nor political goals and priorities of the developed countries which established Ramsar. Yet it is the wetlands of developing countries that are under enormous pressure from population growth and development. Like the parties, the Bureau has had to adapt to changing times, and this is reflected in part in the change of Bureau leadership from an executive head from the North to one from the South. Even though merit still leads officially in the selection process, symbolism also counts.

Although Ramsar was one of the pacesetters for global environmental treaties, its institutional inadequacies mean that in 1997 Ramsar still lags behind environmental treaties of a comparable age including CITES and the WHC. However, the parties and the Bureau have recognized the need for institutional transformation if Ramsar is to survive among the proliferation of multilateral and bilateral treaties that now dominate international life. By CoP 6 in 1996, the parties had corrected and strengthened most of the problems in the original text and the treaty's structural deficiencies. They had also identified the need for strategic changes, such as the need to adapt to changing government and community perceptions of wetlands management.

Over the past 25 years, Ramsar has evolved from a narrowly focused nature conservation convention concerned primarily with habitat preservation for waterfowl, to a more broad-ranging wetlands management convention with a resource management/land-use planning focus. This change in focus is reflected in an informal name change adopted at CoP6 in 1996. Ramsar is now known simply as 'the wetlands convention'. In 1997, Ramsar had 103 parties and 889 sites on its List of Wetlands of International Importance. Membership has thus expanded and diversified substantially since its distinctly European beginnings

Ramsar formally recognizes the importance of developing countries in world affairs, and the need for these Ramsar members to gain access to the capacity building resources of international financial institutions especially the GEF and the World Bank if they are to meet their treaty obligations. Access to global financial institutions poses a problem for conventions such as Ramsar and CITES which came into existence before the creation of the GEF and whose objectives are not formally included in the list of conventions which the resources of the GEF are pledged to support. More will be said about this under financial constraints.

Historically, politics has played second fiddle to science in Ramsar's negotiation and implementation. As some Bureau members acknowledge, they and many of the parties and the partner organizations which were the instigators of Ramsar, are reluctant to relinquish the scientific and technical

emphasis of the convention which has been so successful in creating international networks of support for Ramsar objectives. They see politics as muddying the waters and decreasing the friendliness of convention (Pers. Com. Bureau,1995).

A reluctance to let go of the scientific and technical emphasis of the convention and Bureau reflects the professional expertise of the officials who brought Ramsar into being. Many of them are now retiring and they are being replaced by officials who although they have relevant scientific backgrounds, are more politically aware and more strategic in their approach to managing implementation. They are generalists rather than specialists, a recruitment trend which is evident in most of the early secretariats except CCAMLR.

Impacts of Regionalization

Another example of management adaptation to changing times and membership needs was the move from a thematically structured approach to implementation to a regional focus. Ramsar's original four themes were: wise-use; the Ramsar List (of sites); international cooperation; and training. As membership grew, it became apparent that thematically based management from a centralized headquarters was becoming unworkable, and parties and the Bureau saw a need for regionalization which recognized vast differences in implementing the convention in different regions.

In 1987, Ramsar established a system of regionalization, and in 1994 the Standing Committee formalized the replacement of the thematic approach with a regional one. Ramsar now has 7 regions: Africa, Asia, Eastern Europe, Western Europe, Neotropics (South and Central America and the Caribbean region), North America and Oceania. Each Technical Officer in the Bureau is individually responsible for a particular region. Their work involves: developing close liaison with individual Contracting Parties; encouraging the creation of Ramsar National Committees which provide a national focus for Ramsar implementation; organizing and servicing regional meetings; and assisting with regional activities and the development of regional action plans (Davis, 1994).

According to Bureau officials, the obstacles encountered by the Bureau vary among the regions and among the Contracting Parties. For example, there have been few Contracting Parties and few Ramsar sites in Asia until recently, and Ramsar is less well-known and less well-developed in this region than in Europe. IUCN personnel commented that Ramsar needs to recruit more parties in Asia, Africa and South America as it is [still] very visibly a developed country convention (Pers. Coms. IUCN, 1995).

Other constraints related to the adoption of a regional approach are: that not all countries have national Ramsar Committees to act as a focus for Ramsar promotion and implementation, and some countries have only one official in the entire country who has Ramsar responsibilities. Situations such as these strain the already limited resources of the one Bureau official assigned to facilitate implementation in each region, as in many regions the Contracting Parties' expectations of the Bureau's task performance are unrealistic.

The speed and extent of implementation varies among countries and regions. In mid-1995 Ramsar was trying to get Nigeria to join the convention and it was proving difficult as the parties were talking about boycotting Nigeria's military government, and within Nigeria, joining Ramsar was the last thing on anybody's mind (Pers. Com. Bureau, 1995). In situations such as this, parties tend to be unrealistic and contradictory in their expectations of the Bureau's role and performance. On the one hand, the parties have stipulated that the Bureau must work towards increasing membership and actively encouraging the formation of national Ramsar Committees and policies, while on the other hand they are the first to criticize the Bureau for moving slowly or for intruding in domestic political affairs.

The Growth of Convention Bureaucracy

The so-called Ramsar bureaucracy has grown rapidly in an effort to keep up-to-date with membership expansion and diversification and international developments in wetlands management since 1975. Dealing with the frustrations of an ever increasing avalanche of paperwork, hierarchical

decision making and the delays caused by both of these in the administration of the convention, remains a problem for many Bureau personnel.

Bureau frustrations with bureaucracy (which officials see as detracting from valuable time spent on the technical aspects of on-ground implementation), are not limited to difficulties with the centralized bureaucratic requirements of the convention itself. They refer also to the expansion of national bureaucratic requirements. As one Bureau member explained,

> Bureaucracy is the biggest problem, not just in the Neotropics. As Ramsar membership expands and gets more formal about its strategic plans and funding requirements, so bureaucracy expands, for example, more forms [paperwork] and more hierarchical levels for signatures. It's not that the people you deal with are bureaucrats, but sometimes people just hit bureaucracy [as an infrastructure] and cannot progress. (Pers.Com. Bureau, 1995).

These sentiments were echoed by IUCN wetlands personnel who voiced similar opinions about bureaucratic delays. The following example tells of the difficulties of getting a diplomatic note about a crucial meeting from the Bureau to field personnel 'on-the-ground' in Mauritania.

> The letter goes from the Ramsar Bureau to UNESCO [as the Ramsar depository], from UNESCO to Mauritania's ambassador, from the ambassador to the Minister for Finance [as the government's senior portfolio holder], then to the Minister for Rural Development/ Environment [the Ramsar management agency in Mauritania], and eventually to the relevant field operative. By then the important meeting is over and the damage is done. If the Bureau sends a copy directly to person responsible on the ground it takes 3 days. So the Bureau sends a copy directly to relevant person on the ground, as well as the official diplomatic note. Law is important , but it is not the only thing (Pers. Com. IUCN, 1995).

Several Bureau members identified relations between Bureau officials and their counterparts in national governments as a problem in the sense that their counterparts are often low level officials in wildlife agencies. This is a double disadvantage for Ramsar's profile in the political and resource competition stakes. First, the low status of these individuals means that they have difficulty getting Ramsar issues considered as departmental priorities in order to facilitate their inclusion on the national political agenda. At the organizational level, wildlife and nature conservation agencies rank low in national governmental hierarchies (the political pecking order for resource

allocation), and they are not heard in rough and tumble of in-country bureaucratic competition for resources.

> If the Bureau is working at a very specific or junior level with official contacts, there is a limit as to how far the Bureau can intervene [in setting up national committees]. The Bureau spends lot of time and effort to see how Ramsar concerns can be pushed higher up the decision making tree within governments (Pers. Com. Bureau, 1995).

Wildlife and nature conservation agencies are regularly out-competed by ministries of economic development. Bureau members argued that this was a good reason for changing the name of the convention from an emphasis on waterfowl to one on land-use, and for ensuring that the Strategic Plan's focus was on resource management rather than on nature conservation *per se.*

A final factor which contributes to misunderstandings and tension in the Bureau's relations with its parties, is the discrepancy between the need for national Ramsar Committees as agreed by the Contracting Parties, and the lack of committees and/or opposition to setting them up within many countries. This discrepancy is compounded by the lack of leverage of the low level, Ramsar officers in domestic bureaucracies.

The difficulties facing the Bureau in its relations with its members can be summed up as follows. First, the diplomats and lawyers who negotiated the treaty and who attend Ramsar meetings differ from the officials who are subsequently responsible for the implementation of Ramsar on-the-ground. Second, because the Bureau needs to observe the formal channels of communication and interaction expected by diplomatic protocol, it very hard for Bureau personnel to directly contact the in-country personnel responsible for implementation. The ways in which Bureau officers deal with this constraint are discussed in detail in Chapter 6.

Changes within National Governments

Changes of national governments and changes in the individual officials with specific convention responsibilities within domestic infrastructures, are a perennial problem for secretariats at both the political level and at the technical or scientific level. With each change of government or Ramsar-

relevant part thereof, the Bureau has to start afresh, educating the new officials about the country's responsibilities and obligations as a signatory of Ramsar. One of the biggest network management problems the Bureau has, is how to help create and maintain a critical mass of support within national bureaucracies in order to increase Ramsar's profile and thus its chances of success.

Frequent changes in national governments have always been a headache for the small Bureau. They were less of a problem when treaty membership was restricted to primarily European countries whose governments change less frequently, where travel distances are small, and whose NGOs and expert networks were close knit.

Further problems have emerged with the influx of Asian, African, Central and South American parties into Ramsar. As one Bureau officer commented in relation to the Neotropics region, many of the national and subnational Ramsar officials with whom the Bureau deals, are direct political appointees. This means that with every change in government, these officials change. That is, systems of political patronage aggravate politically-driven changes in national governments. As a result, Bureau officers are forever educating incoming officials about Ramsar and its projects. It is a lot of work for Ramsar's regional officers. It is time consuming, repetitive, and frustrating (Pers. Com. Bureau, 1995).

When changes to in-country personnel occur and the Bureau is not kept informed, it can affect the Bureau's credibility. To illustrate. One week before an important regional meeting, the Bureau regional officer checked to confirm that a country's representative (who was very competent and a key person in the region) was coming to the meeting, only to find that he had been unexpectedly and suddenly removed from office. His absence significantly and adversely changed the dynamics of the scheduled meeting and the Bureau official was chastised by other members for not ensuring his presence (Pers. Coms. Bureau, 1995).

Finally, personnel turnover problems associated with changes of government may be further aggravated by the lack of resources allocated to Ramsar

national offices, particularly in less affluent countries. Many Ramsar offices consist of one small office and have no computers or computers that don't work, and they [national officials] have to deal with a lot of matters other than Ramsar. Ramsar may be only one out of twenty-five international conventions with which a national official has to deal (Pers. Com.Bureau, 1995). As one Bureau officer said,

> it's fine to talk to all levels of government, members of Congress, members of parliament, middle and senior management, but we need to have a core of knowledgeable people in the bureaucracy so that when the higher levels change, at least some stay behind who know about Ramsar (Pers. Com. Bureau, 1995).

To sum up. Changes in national governments are a recurring problem for Bureau officials, and in some regions these changes are further aggravated by systems of political patronage. Changes in national government personnel continually erode gains made by the Bureau in establishing a critical mass of in-country Ramsar expertise, officials who are knowledgable about Ramsar who are sufficiently senior in the domestic bureaucratic and political hierarchy to successfully negotiate for resources on Ramsar's behalf. The education and re-education of incoming officials is repetitive and frustrating for the Bureau's regional officers and ties up organizational resources which could otherwise be deployed in monitoring compliance and capacity building.

Relations with IWRB and IUCN

Tensions that emerge from the Bureau's relations with its partner organizations include financial and administrative management issues; role differentiation problems; and what are described by the Bureau and IUCN as 'personality clashes'. In Ramsar's case, the Bureau interacts with two partner organizations, IWRB and IUCN on virtually a daily basis. IWRB in the UK, is responsible for managing the Ramsar Database which is the hub of the Ramsar monitoring system. The Bureau is co-located in the same building as IUCN in Gland Switzerland to which the Bureau subcontracts responsibility for personnel and financial management.

Relations with IWRB

IWRB runs the Ramsar Database. It is a costly but essential arrangement. All Bureau personnel agreed that it saves the time of Bureau staff. As many of the Bureau's technical staff did their 'apprenticeship' with IWRB, they have a very comfortable working relationship with IWRB staff, and there is a lot of information exchange and communication between the two organizations (Pers. Com. Bureau, IWRB,1995). IWRB's role in data management is discussed in a later section.

Relations with IUCN

Co-location with IUCN has its difficulties. My observation was that co-location was a source of (probably) unavoidable tension between the Bureau and IUCN. On the negative side, close proximity creates tensions and reduces the Bureau's autonomy in organizational matters such as recruitment and financial management. IUCN runs the convention bank accounts, organizes personnel contracts and pays salaries. It charges Ramsar a fee for these services. In the words of a Bureau administrator, "Ramsar plays second fiddle to IUCN, especially regarding finances" (Pers. Com. Bureau, 1995). IUCN's oversight of the Bureau's administrative and financial affairs remains a sore point as it is perceived by many in the Bureau to be an erosion of the organization's autonomy. On the positive side, co-location cuts costs for the Bureau through sharing overheads, and it saves valuable Bureau time and resources. If the Bureau were to attend to all these administrative functions itself it would have to appoint more staff.

According to all the professional personnel and the current and past executive heads of the Bureau, they are relieved to be under IUCN's umbrella, rather than UNEP's. This comment was made in the context of an accelerating dispute between the CITES Secretariat and UNEP over the terms under which UNEP provides common services (the UNEP equivalent of IUCNs services to the Ramsar Bureau) to the CITES Secretariat.

One Bureau member who had worked for both IUCN and the Bureau, noted that a substantial number of past tensions were due in part to what he described as personality clashes between the first Secretary-General of the Bureau and the former Director-General of IUCN, in spite of an MOU

between IUCN and the Bureau which identified IUCN as a Ramsar service provider to which the relevant (financial) authorities were delegated. With the replacement of these leaders, relations between IUCN and the Bureau now appear to have improved. It was generally viewed as an opportunity to start afresh.

Personality clashes occur occasionally in most interorganizational interactions. In the case of Ramsar and IUCN, out of the multitude of relationships and interactions between the two organizations, only one such clash was described. The general view of both organizations was that while confrontation between their leaders obstructed to some extent the day-to-day flow of communications it was of nuisance value only, rather than a major operational obstruction.

Another area of IUCN/Bureau tension is role differentiation in the field. According to Bureau staff, IUCN field staff think Bureau personnel should not go on monitoring missions. The Ramsar Bureau disagrees. According to IUCN, the Bureau is enthusiastic but not professional, and it needs to devote itself more to management of the convention, leaving the field-work to partner organizations, NGOs and their networks. This is a tall order for the Bureau's Technical Officers whose expertise is in field work and who particularly enjoy being out in the field.

Role differentiation tensions in the field appeared to be a result of failure of the Bureau and IUCN to clearly delineate organizational functions and objectives in the field and to convey these decisions to personnel. There also seemed to be a degree of rivalry between the technical personnel of both organizations for the 'hearts and minds ' of recipient countries. Cynically, the bottom line is that such countries are potential donors to both IUCN and Ramsar coffers, and although both organizations are striving towards the common goal of international wetland conservation, each also needs financial resource to achieve its individual organizational objectives which may differ. In this respect they are in competition for the limited financial resources available from Ramsar member governments. The organization that is more favorably thought of in the field by the constituents of a particular country, is the one more likely to attract funding.

In order to address this tension, relations between the Bureau and IUCN wetlands operatives are now more formalized with regular meetings scheduled between Bureau personnel and their regional/program equivalents in IUCN. Prior to the appointment of a African-region Technical Officer in the Bureau in 1995, there had been predominantly informal and often tense interactions between IUCN and the Bureau over the management of African wetlands. Now there are regular meetings between IUCN and Ramsar, and the Bureau Technical Officer works closely with IUCN's African Coordinator.

A final perspective on Bureau/IUCN relations comes from the longest serving member of the Bureau who commented that,

> IUCN never interferes with the policy or running of the convention. It provides a tremendous amount of technical assistance from the range of IUCN programs, but it puts an inhibition on the administrative side of things. However, of all the [environmental] conventions. Ramsar has the closest links with its partner organization (Pers. Com.Bureau, 1995).

In summary, the relationship between the Bureau and IWRB appears to be more harmonious than that between IUCN and the Bureau. From my observations there appear to be several reasons for this. First, science, and in particular data management, is the clearly defined focal point of relations between the Bureau and IWRB. As wetlands scientists they share common beliefs and values, a professional culture, in pursuit of a common goal, international wetland conservation. Peter Haas would probably describe these scientists as an epistemic community (Haas,1990;1992).

In contrast, the majority of day-to-day interactions between the Bureau's Technical Officers (TO's) and IUCN, are with IUCN's administrative personnel as they negotiate budgets, recruitment and personnel management issues. Their professional cultures differ. The Bureau's TO's are more concerned about, and expert in, technical matters, and frustrated with what they see as the excessive bureaucracy required to manage financial and personnel systems. Far from sharing common beliefs and values, these two groups speak different languages. Miscommunication is thus not surprising.

Bureau Relations with NGOs

On the whole the Bureau has excellent working relationships with NGOs. Most Bureau personnel have had experience working in or with, international and national NGOs, and they regard NGO involvement as absolutely crucial to the successful functioning of the convention. For example, when the Bureau writes letter to a country regarding problems with site changes and it then sends a copy to the relevant NGO. NGOs make excellent allies for the Bureau and very active strategic alliances are formed between the Bureau and NGOs. Bureau alliances with non-state actors are discussed in detail in Chapters 6 and 7.

Ramsar has a history of informality in its expert/NGO/Bureau networking, which remains reflected in its image as the 'user-friendly convention'. NGOs have always participated in informal structures of the convention, and since the Regina amendments established the formal structures of the convention, NGOs have participated in Standing Committee meetings as observers, in site inspections, and they are invited to comment informally on the Bureau's annual work program. There is very close formal involvement of NGOs at the international level. At the national and regional level it is more informal, although the parties actually encourage the Bureau to work with NGOs if they have a problem.

Ramsar Contracting Parties generally support the close working relationship between the Bureau and NGOs. Bureau officers attribute this support to the on-going personal contact that Bureau personnel have with representatives of the Contracting Parties, and the transparency of Bureau interactions with all stakeholders (Pers.Com.Bureau, 1995).

Bureau technical experts and scientists, and the technical and scientific experts who make up the nucleus of environmental NGOs such as IWRB, share common values and goals. In contrast, the technical and scientific experts in the CITES and CCAMLR Secretariats do not necessarily interact as closely with their environmental NGO colleagues. CITES experts are divided between those who support species conservation and those who support species trade;

while in CCAMLR the experts also divide up along fisheries (trade) and environmental protection lines. These tensions are reflected in relations between these two secretariats and 'their' NGOs which are not nearly as close or collaborative as are the relations between the Ramsar Bureau and 'its' NGOs.

Furthermore, unlike CITES, Ramsar is what Jonsson (1986) would categorize as a low-politics issue-area. Until recently there was little money in wetlands, unlike the lucrative CITES trade in endangered species, and this insulated Ramsar from the hostilities experienced in CITES. Wetlands have been traditionally regarded in many cultures as wastelands unfit for human habitation. However population and urban development pressures in both developed and developing countries are changing public perceptions of the value of wetlands as an economic resource. As this trend continues, it is probable that the Ramsar's Bureau's historically excellent and mutually supportive relationship with environmental NGOs will come under increasing pressure. Contracting Parties are likely see environmental NGOs as obstructing development. On the other hand, NGOs might become increasingly concerned about the Bureau's resource-dependency on its parties and its consequent vulnerability to pressure from members to pursue a less rigorous monitoring procedure in order to sustain an effective level of funding

Financial Constraints

Chronic Inadequacy of Funding

Like the majority of environmental convention secretariats the Bureau suffers from a chronic inadequacy of funds. The Bureau has to persuade counties to pay their contributions and pay them on time. If they fail to do so, the Bureau then 'persuades' (harangues), the members until they pay up. From all accounts, Ramsar parties have apparently been fairly prompt in their payments, although the largest contributor, the USA, has its own unorthodox arrangements. [2]

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[2]The USA, in contrast with all the other parties, refused to agree to mandatory contributions. Instead its contribution of 25% of the annual Ramsar budget takes the form of voluntary

In 1995, Ramsar's Interim Secretary-General, Jim McCuaig, noted that collecting country contributions was not a problem in Ramsar; that Ramsar had received 98% of its contributions in 1994; and on average, it receives between 80-90% of the contributions each year. However cash flow is always a problem. He further commented that Ramsar could borrow if it had to, and that the worst thing that could happen is that it might have to delve into the voluntary funds that had been earmarked for projects. The money would then be replaced when the mandatory contributions arrived (Pers. Com. McCuaig, 1995)

Global financial markets also have an impact on the convention's budget. Fluctuations in the exchange rates mean that governments withhold their contributions until the exchange rate (in Swiss francs) is favorable to them. This may adversely affect Ramsar's financial situation, particularly its cash flow. To 'force' payment, McCuaig had to resort to sending a letter to the parties in 1995 advising them that as a result of late payment of contributions, the convention was facing bankruptcy if members did not pay up promptly. As a result of this correspondence, countries that had never paid before did so, including their back-log of payments (Pers. Com. McCuaig, 1995).

While the lack of reliable funds has meant that the Bureau has not been able to plan for the medium and long-term, most Bureau members would agree that Ramsar been more successful than most treaties in getting payments, although chasing them up takes up a lot of professional officer time at the expense of promoting wetlands conservation.

Another funding challenge for the Ramsar Bureau and most other treaty secretariats is to try and identify opportunities to obtain additional financial resources, some countries being more politically and financially supportive

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contributions which are used primarily to fund projects, training, organizing meetings and bringing people to meetings. For a period of 12 months in 1994-1995 it paid the salary and overheads for the position of Technical Officer, Neotropics. This position is now funded from core funds. The size of the US contribution makes it indispensable to Ramsar, but the voluntary nature of the contribution means that the convention is always at the mercy of the USA's preparedness to pay. So far there have been no problems, but if the US Congress's reluctance to pay its UN debt in 1995-96 is any indication, Ramsar would be well advised to diversify its funding base.

than others. Fund raising takes a lot of networking and 'leg work' by professional officers. There is no magic formula.

In one respect, however, the Ramsar Bureau differs markedly from both the CITES and CCAMLR Secretariats in that still no provision has been made for funding Ramsar CoPs. Hosting an international convention is an expensive undertaking for a country. This means it is virtually impossible to hold Ramsar CoPs in developing countries, unless the Bureau uses personal contacts to get governments to pay for conferences, as happened in 1996 in Australia (Pers. Com. Bureau,1995). The initiative for seeking financial support for CoPs has historically been the province of the Bureau. The 1999 CoP7 will be held in Costa Rica, the first CoP to be held in a developing country. The USA has agreed to underwrite the costs of this meeting (Blasco, 1997).

Allocation and justification of the Bureau's core budget is a source of concern both for the Bureau and the CoP. A large part of the budget goes on salaries and the cost of running the Ramsar Database,

> We need new money for consultants to write reports on a wetland and to organize a CoP in absence of core funds for these things. The Bureau has been quite successful in getting additional financial support from individual governments. Wise-use is totally funded by the Netherlands government; and [in 1995] the position of Technical Officer for the Neotropics is funded by US to do wise-use training in South America. I think the tendency in future will be that its going to be very difficult to expand the core budget (Pers. Com. Bureau, 1995).

The lack of funding for core activities such as monitoring leaves the Bureau vulnerable to unfounded accusations of ICS extravagance. The Bureau considers that communications and training are essential activities which should be covered from core funds, a move opposed by the CoP which considers these activities important but financially endless. It seems to me that in the wake of Koshiro, the CoP remains wary about supporting funding for activities which appear to increase the leverage of the Bureau and its control over the determination of the funding priorities of the convention.

The Ramsar Bureau is no different from most treaty secretariats in its struggle to reconcile Parties expectations of Bureau task performance with a chronic

financial shortfall. Like all environmental treaty secretariats, a considerable amount of professional officer (and executive head) time is taken up in personally persuading parties to pay their contributions on time, and in fund raising among both state and non-state actors to raise additional, voluntary funds to meet the difference between the capacity building projects and activities that need to be carried out, and the funds available for this.

Project Funding

Projects funds are at a premium. The Ramsar Small Grants Fund (SGF) is Ramsar's primary source of voluntary funds to help countries with capacity building. Although the SGF is small and Bureau avoids promoting its existence, the existence of the SGF is becoming a very powerful tool in persuading non-Contracting Parties to join the convention. In this respect it is used as a membership incentive, a sweetener. A further incentive to join the convention is that the Bureau is able to link developing countries in need of technical, scientific and financial assistance with Ramsar partner organizations.

In Ramsar's case its institutional linkages with international financial institutions such as the GEF are yet another valuable resource for member governments. With this in mind, national wetland management strategies must now be designed to dovetail with the GEF's biodiversity eligibility criteria if Ramsar members are to have any chance of accessing the GEF's financial resources.

While wetland protection is ostensibly the primary reason governments sign up to Ramsar, opportunities for financial benefit are powerful membership incentives. Bureau officers try to target project funds at countries in which there are wetlands under serious development pressures from population growth and domestic development policies, as in Asia. Through formal contact and informal networking via other IOs and non state-actors such as Wetlands International, Bureau personnel endeavor to persuade these governments that it is in their economic as well as in their longer-term environmental interests to care for their wetlands. According to the Bureau, Ramsar's wise use concept has been well received in regions such as Africa

and South America as it does not prohibit wetland use. In effect it carries the message, "you can use your wetlands sustainably if you manage them wisely" (Pers.Com.Bureau,1995).

Ramsar needs project funds of $USD 50,000-100,00 per annum. This sum is too small to be considered by the GEF and similar bodies, and it is insignificant compared with the demands from big agencies such as UNDP. However, the Ramsar Bureau considers it has vital role to play here as a catalyst here, and that this level of funding is enough to solve some technical and site specific problems.[3]

Although the presence of a financial mechanism is an incentive for many new and developing countries to join Ramsar, it seems that they are often disappointed when they realize how little money there actually is in the SGF to assist them to meet their obligations. One Technical Officer commented that the Bureau never had enough money to go around and that it spends an extraordinary amount of time deciding where the money goes and which are the most deserving projects. "Project funding allocations get very political, and sometimes 'political' means that the funds don't go to the best projects." (Pers. Com. Bureau, 1995).

The frustration of governments in search of capacity building assistance is compounded by the convention fatigue of parties - so many conventions, so many countries, and so little money. In the opinion of many Bureau officers, the bureaucracy of financial management takes away from valuable operational time.

It seems there is a point between having no money and being a major funding agency. There has to be certain level of funding for the Bureau to

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[3] According to a Technical Officer, the big agencies like to have big dollar projects and the Bureau's technical staff can play a very valuable is assessing large projects, although we need to put a limit on this as you can get masses of EIA information to assess for large projects and our organizational capacity is very small. The aim is to establish the standing of Ramsar members and the technical expertise of the Bureau with the World Bank and the GEF, so that when countries approach the Bank for assistance, the Bureau will be called on to evaluate projects for wetlands consideration on behalf of the Bank. To this end, there is regular and growing contact between the Bureau and the GEF and World Bank Secretariats (Pers. Com. Bureau, 1995).

work organizationally, and beyond that to offer technical advice and to advise on special site management problems that may exist in a country.

It appears that the difficulty for the Bureau is working out the organizational threshold between being resource-poor, and not having enough money to effectively perform the organizational tasks in a way that meets the parties' ever-expanding and changing expectations. The Bureau is dammed if it does and dammed if it doesn't.

Impacts of Corruption

Corruption can be an obstacle for Ramsar implementation in some regions. While culturally sanctioned as a usual way of doing business in some countries, many European countries are extremely critical of such practices. Corruption can also make in-country field work very dangerous for Bureau officers as local interests have exerted direct pressure on Bureau personnel to make project recommendations in their favor. CITES Secretariat professional staff and WWF/TRAFFIC field staff have encountered similar risks in the field. It is especially dangerous for domestic NGO workers as their families have been threatened. Bureau members are protected to some extent by their UN affiliation, even though they do not have official diplomatic status.

Fund Raising

The Bureau has taken an explicit stance not to directly fund raise for projects as fundraising takes up too much professional officer time and organizational resources. The new Strategic Plan it is looking at a catalytic role for the Bureau in linking potential donors with recipients and building relationships with international financial institutions such as the GEF, the World Bank and other conventions, particularly the CBD, FCCC, CBD (whose members are all eligible for financial support from the GEF and the World Bank under the terms negotiated at Rio). In this capacity, the Bureau will help its member countries to write project applications to these international financial organizations, as the African Technical Officer did in securing GEF funding for the multilateral management plan for Lake Victoria. See Chapter 6.

For tasks such as these, the Bureau recognizes it needs technical people with administrative skills in order to act as brokers between the financial institutions and developing countries. The aim is to marry good projects with money in order to advance Ramsar's goals. Disappointingly, although the Ramsar Strategic Plan designated a special position to perform this go-between or liaison role with the World Bank, GEF, UNDP and private sector interests, the proposal was rejected at COP6 as being superfluous to organizational needs.

The funding of specific projects tends to be from tied or conditional funding sources. The issue of conditional funding is a controversial one in many quarters, especially among NGO stakeholders. Project funds may come from industry, environmental NGOs or individual government sources. Conventions undoubtedly need funds additional to national contributions in order to assist countries with capacity building. While recognizing the need to accept funding from such sources on behalf of the convention, the Bureau remains concerned that by accepting tied funding it may be perceived to be captured by donor interests.

Unlike CITES which has a list of CoP-approved donors from which the Secretariat may accept funds for projects. Ramsar has no such list, nor has it had a comparable mechanism for approving donors. It seems that management of voluntary/project funds has been very *ad hoc*. However, the Strategic Plan identifies project and project donor approval as a role for the newly constituted the Finance Committee. This recommendation was to take effect following approval of the Strategic Plan at CoP 6 in 1996.

Bureau personnel raised three concerns about the implications of conditional funding for the convention. First, aid is only given by governments to their own nationals to carry out work in a recipient country rather directly to the country itself. In addition, tied funding might not be geared to what the country needs, but to what the donor needs. An example given was the provision of Macintosh computers to Kenya. When the computers broke down, there was no one for 1,000 miles who could fix them. Technology can be invasive, as the same countries which provide the money to buy the technology, supply the technology (Pers. Com. Bureau, 1995).

In an effort to head off these problems as they emerge, capacity building by Bureau personnel takes several forms. Bureau officers make recommendations regarding what might happen on a site; they provide tools and information; they help link together projects and personnel; they prepare projects so that local interests learn how to manage their land; and they transfer some of that knowledge, skills and information to people on the ground. The Bureau provides funds through projects designed to transfer knowledge, skills and technology. If the Bureau did not help countries with capacity building, it would adversely affect Ramsar's overall objective of protecting wetlands. The problem here is, that it is a race against time - between the loss of wetlands and the designation of them. To be successful in this venture, Bureau officers have to deal with diverse interest groups - land-use planners, finance departments, and conservation interests. In-country coordination facilitated by the Bureau is part of a country's capacity building education.

The second focus of Bureau concern is that there is still too much 'gringo' research. That is, an academic or a scientific expert, comes in from a 'gringo' (developed country) University does research, takes the data and knowledge back to the University in his/her country of origin, and the benefits of the research are not fed back into the recipient country.

The third area of Bureau concern about the implications of tied funding relates to traditional NGO suspicions about a convention receiving funds from the private sector whose interests are perceived to be at odds with those of the convention. Responding to NGO concerns about the Bureau receiving project funding from the private sector interests, McCuaig dryly commented that there is no such thing as perfection, in government, corporate or NGO performance. He commented that he would rather accept money from a company that had environmental problems and in so doing convert it into a good corporate citizen, than leave it 'out in the cold' where it had the potential to do more [unmonitored] damage (Pers. Com. McCuaig, 1995).

In summary, there is chronic tension between the Contracting Parties' expectations of the Bureau's performance and the funds the organization

receives from its parties to resource convention activities. Unfortunately, the organizations' credibility as a financial manager was damaged at Koshiro, but the CoP must also bear some of the responsibility for this. Until Koshiro there had been no financial mechanism for overseeing the Bureau's management of convention funds. The CoP reaction at Koshiro to what it perceived as excessive funding demands from the Bureau, has resulted in the appointment of a Finance Committee to oversee the Bureau's management of Ramsar funds. Management responsibilities and parameters for financial management are now contained in the Strategic Plan, and they clearly shift primary responsibility for management of convention funds from the Secretary-General to the Finance Committee. (Doc. 6.14 (Rev.1))

Organizational Capacity And Management

A number of the internal organizational problems of the Bureau emanate from the lack of strategic planning, and problems with resource allocation and management, particularly the management of time, personnel and funding. According to Navid, the Bureau's major problem is lack of organizational capacity and the main resource needed is money. Funds are needed to support projects and capacity building and travel money for Bureau boundary- spanners (Pers. Com. Navid, 1995).

There are several other problems which stretch and even overwhelm at times the capacity of the Bureau to perform successfully and efficiently. They are: managing the rapid and wide ranging policy and organizational changes that have occurred since 1975's (See Appendix 1); the issue of personnel management; negotiating the budget; data management; and leadership issues. These are all organizational capacity and management problems.

Managing Policy and Organizational Change

Problems in managing change have to a considerable extent, been caused by the rate and scale of change in the convention in the 1980s and 1990s, including the rapid expansion of Ramsar membership and the often

unrealistic expectations of its members.[4] The Bureau is required to service the needs of all the members, but the influx of developing countries with substantial capacity building needs has now outstripped the Bureau's organizational capacity to deliver services.

A second set of factors putting stress on the Bureau's already overextended organizational resources is the change in direction of the convention from nature conservation to land-use planning and management, coupled with the change in its management thrust from a thematic to a regional focus. Any organization facing changes in its management and operational regime on the scale confronting the Bureau, will take time to adapt. Unfortunately for the Bureau, time is one luxury it does not have, and has never had. The impact of regionalization on the workload of Bureau over the past 5 years has meant that a huge amount of officer time has been taken up in the preparation and holding of meetings and in follow-up in the regions. It is it one of Ramsar' largest activities and is expensive of staff time - but it has also been one of the Bureau's most successful strategies (Pers. Com. Bureau, 1995).

It is thus a Catch 22 for the Bureau. Regional meetings raise both the convention's regional profile, and that of the regional Technical Officers and the Bureau. In addition, regional meetings are invaluable: as sources of information; for networking; to consolidate the Bureau's organizational reputation as a service deliverer; to promote its credibility as an honest broker; and to broaden its constituency support base, through the development of informal alliances with state and non-state actors.

Personnel Management Issues

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[4]Some of the members' expectations of the levels of service from Bureau personnel are extraordinary. One officer when explaining to me what was involved in organizing a regional meetings, told of how he had to organize accommodation for national delegates, book their air travel, arrange transportation to and from the venue, plan the menu and order food to cater for all manmner of religious and cultural preferences, as well as preparing all the documentation and acting as rapporteur during the meeting. After the meeting is over, the Bureau officer then had to write up and distribute the minutes and supporting documents. Remember, it is one person doing all of this! In developed countries such as Australia, considerable assistance would be given by the local Ramsar bureaucrats.

The changes in Ramsar's policy emphasis, infrastructure and management have meant that the Bureau's personnel requirements in 1997 are rather different from those of earlier days. Generalists with people management and problem-solving skills, political and cultural sensitivity, and sound technical knowledge, are now being sought in preference to wetlands technical experts. This contrasts with the dominance of scientific and technical professionals in the Bureau until now. A change in the organization's personnel profile will substantially change the culture of the Bureau. It also raises interesting questions about the organizational personality, future roles, and organizational credibility of the Bureau, given that Bureau personnel, national delegates and NGOs representatives all commented that the Bureau's professional reputation and leverage have been based on its technical capacity.

The transition from a specialist unit to a more generalist one is causing some tension among the professional officers in the Bureau. The view of one member more disposed towards a technical staff emphasis, was that the Bureau wanted young enthusiastic scientific and technical field people. The alternate view was that the Bureau needed generalists - lateral thinkers who were sympathetic [to wetlands], who cared beyond themselves - people who had been 'called' to Ramsar rather than international careerists.

Several Bureau boundary-spanners spoke about the need for environmental treaty secretariat staff to have a 'calling'.[5] McCuaig expressed it this way,

> People are called to conservation and then they are called to Ramsar, not the other way around. It is this commitment that gets you past the obstacles because you won't be deterred by the little failures here and there. If you didn't have the commitment to get around them [obstacles], they would stop you. Sometimes you just back off---sometimes you just wait. There are a multitude of ways to get around these things and sometimes you have to wait years. If you didn't have a personal commitment to it, you probably wouldn't do it. It is too much trouble, and doesn't make you friends in some quarters, but i t can make you friends in other quarters (Pers. Com. Bureau, 1995).

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[5]From my observations, a 'calling' is probably the single most important distinguishing feature of the personnel of the 1970s environmental treaty secretariats. This same reference to the importance of a 'calling (Weber, 1968) or a deeply held personal and professional commitment, was mentioned by personnel in the CITES and WHC Secretariats. It was not mentioned in the CCAMLR Secretariat. It also constrasts with the post-Rio (FCCC, CBD, CCD) Secretariats whose ICS personnel come predominantly from the UN career civil service mainstream where the goal is to 'make every post a winner'.

What all Bureau staff did agree on, was that individuals bring their networks with them from their 'home base' be it an NGO or a national government. The networks of professional officers are indisputably one of the Bureau's most valuable and valued assets. Personnel, especially boundary-spanning personnel such as Technical Officers, continue to develop and expand their networks during their time with the Bureau. Networks are to a large extent based on the trust and respect developed among individuals working together on shared problems over a period of time. When individuals leave, this creates problems for the Bureau. While multiskilling and team work can overcome many of the problems associated with the loss of specific expertise, when a staff member departs, an individual's networks are lost. They are not 'backstoppable' and have to be rebuilt by each new recruit.

1995 to 1997 was a period of intense change for the Ramsar Bureau. Its two longest serving professional officers left; Strategic Planning was introduced; and a new Secretary-General, Delmar Blasco, was appointed. Inevitably networks were lost, but others were gained. I can speculate that the networks lost have been predominantly those of Ramsar pioneers many of whom have retired or have moved on. On the positive side, perhaps the benefits of the networks gained in terms of new personnel and a new Secretary-General from a developing country may be better suited than some of the networks lost, to assist the Bureau to manage the realities of a vastly expanded Ramsar membership and the changes in policy direction mooted previously.

The chronic lack of Bureau personnel stems largely from the Contracting Parties' reluctance to acknowledge that additional and different sorts of personnel in the Bureau are now required to deal with changing policy emphases; an expanding membership; and increasing and changing stakeholder demands. The bottom line is money. As already noted, countries do not like having to pay contributions, let alone have their contribution levels raised to pay for what they see as expanding bureaucracy, particularly now that governments are all having to deal with the costs associated with membership of numerous international agreements, not just Ramsar.

There is clearly too much work for the present personnel of the Bureau, and too little time in which to do it, subject as they are to impossible deadlines including the demands of organizing regional and CoP meetings for a much larger membership. For Technical Officers, there is always the tension between being out in the field, and doing bureaucratic work such as writing a work plan, a framework document, or a strategy.

Surprisingly perhaps, Bureau members did not advocate a significant increase in the size of the Bureau. Instead they commented that with the addition of a Development Assistance Officer and the Regionally-based Liaison Officers, the size of Bureau is "about right." In their opinion, there comes a time when expanding the size of the Bureau starts to decrease the benefits of the expansion because it increases the need for more time to be spent on internal communications.

Negotiating the Budget

A lot of dissension in the convention has emerged over budgetary matters. At Koshiro in 1993 the convention budget went from 1 million to 2 million Swiss francs. The Bureau asked for more technical staff and funding, and the contracting parties protested that the budget had doubled[6].

Getting the right balance of staff and funds has always been a problem for the Bureau and it is obvious that the Bureau will always be fighting an up-hill battle to find that balance. Unfortunately the Bureau's tactical blunder at Koshiro has severely dented the organization's financial management credibility and it will probably take some years for the Bureau to regain the confidence of its parties on this matter. In the meantime, it is highly unlikely that the CoP will agree to allocate additional funds to the Bureau.

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[6]"One million Swiss francs in an international environmental terms is nothing-We could very well use a doubling of the budget again, but we won't get it, because they've got this thing about it [any increase] shan't be more than inflation. Unfortunately, there were hard feelings towards the Bureau in the Finance Committee at Koshiro as they felt the secretariat pushed them too far to get an increase in the budget. So at Koshiro, the Bureau asked for a strategic plan which would set measurable goals to allow the Bureau to decide on a 3 year program and a budget to fit it." (Pers. Com. Bureau, 1995).

An example of the CoP's perhaps unwarranted reluctance to increase the Bureau's budget, can be seen in CoP6's rejection of funding in 1996 for the new position proposed by the Bureau, that of Development Assistance Officer. It can be argued that this position is essential if Ramsar is to have any chance of competing against more recent treaties for its 'share' of funds from international financial institutions, especially those of the GEF. Of equal importance to Ramsar's effectiveness as a convention is capacity building if developing countries are to meet their Ramsar obligations. Yet at CoP6 the position of Development Assistance Officer which was designed specifically to target both these issues was rejected as being 'unnecessary' (Doc.6.15 (Rev.1)).

Data Management and Technology

Databases and their management are universally accepted as essential implementation tools for contemporary environmental treaty secretariats. Secretariats are the data and information hubs of international treaty networks. They have formal data management functions and responsibilities but many treaty secretariats, including those of Ramsar and CITES, also perform an active role in monitoring compliance in the treaty system, and data collection and analysis is an important element of compliance monitoring.

By the end of the 1980s the number of sites on the Ramsar List was increasing, and it was more and more difficult to keep track of them and what was happening to them. This highlighted the need for a comprehensive Ramsar database. In the division of tasks and responsibilities between IUCN and IWRB in 1987 and consistent with each organization's expertise and resources, the CoP decided that IWRB should establish and maintain the Ramsar Database. [7]

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[7]The Ramsar Database acts as a ready reckoner of sites and site problems. The database is the mechanism that produces the formal listing of Ramsar sites, and site directories act as a ready reference on a regional basis. The Ramsar Database consists of the List of Wetlands of International Importance and the Montreux Record. The Montreux Record is a register of wetland sites on the List of Wetlands of International Importance where changes in ecological character have been occurred, are occurring, or are likely to occur as the result of technological develoments, pollution or other human inerference. Among other uses, the database facilitates frequent updating of the List and enables the Bureau to respond rapidly to reports of changes in ecological character at listed sites, as well enabling the preparation of briefs for Bureau staff

Ramsar's policy was that the database should be accessible and straight forward, so that developing countries could both contribute to it and benefit from its products. Database policy stressed that any such database should not be so technically complex that only specialized members of the IWRB staff and the Bureau could use it (Pers. Com. Bureau, 1997).

Ramsar's data access policy is in direct contrast with CCAMLR's philosophy on access to and management of its database. Even access to the CITES database is restricted to designated Bureau and NGO officials. However, all the databases contain information which individual governments periodically try to argue is pertinent to issues of national security and so should not be released. The CCAMLR and CITES data bases also contain commercial-in-confidence information. It is this category of information in particular, that has been used to argue for restricted data-access policies in CCAMLR.

Interestingly and in spite of Ramsar's open-door policy on database access, according to both IWRB and the Bureau the majority of database inquiries have come from the Bureau. It could be that Ramsar's general transparency, its accessibility, its informality and the generally good relationships among stakeholders, mean that most site information is readily available from other sources such as documents, reports, and records of meetings and via informal networks. Alternatively it could mean that stakeholders do not know how to access the information they require, or that stakeholder access is not as easy as Ramsar claims.

Data is collected from multiple sources: national reports; field and scientific reports from NGOs; reports from international networks of birdwatchers, and from scientists working on wetlands issues. Of particular significance is data on changes in the ecological character of listed wetlands: hydrological information; species and habitat inventories; identification of existing and anticipated development pressures from sectors such as agriculture and forestry; and estimates of local population growth and projections of urban

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and consultants engaged in application of the Monitoring Procedure (Davis, 1994)

development. IWRB then transmits the data collected to the Bureau for analysis in the context of the Bureau's preparation of site management reports for the CoP; notification of infractions; and identification of the capacity building needs of individual countries. The Bureau is adamant that the Ramsar Database is an essential tool for monitoring compliance.

The technical capacity of the Ramsar Bureau including its data management capacity was acknowledged by all stakeholder interests as the Bureau's main strength and the source of its leverage. Bureau personnel are equally certain that staff time is the organization's most precious resource, and that locating the database at IWRB in Slimbridge rather than in the Bureau has been a relief for Bureau staff as it saves staff time. The general feeling among Bureau personnel was that while the data base is pivotal to Ramsar's success, it has been resource and time intensive to develop and maintain. However, the counterargument is that they are an efficient way to use limited staff, and the database is an essential Bureau resource for monitoring and compliance work.

The location of database functions and responsibilities with IWRB also mean that the Bureau Technical Officers who would much to prefer to be out in the field rather than stuck in an office, are able to more productively focus their energies, knowledge and skills on site management issues, rather than being less productively tied to data base in-put and management which would not take full advantage of their technical expertise. By formally delegating data management responsibilities via an MOU to IWRB as part of its partner services to Ramsar, Bureau officers are thus released to the field leaving data issues to the IWRB data management experts employed expressly for this purpose - a win-win result.

While Ramsar has enthusiastically embraced emerging technologies such as the database and use of the Internet as means of communicating with its stakeholders and promoting Ramsar activities, not all environmental treaty secretariats are as enthusiastic.[8] The expansion and diversification of data and

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[8] Paradoxically it seems, the CCAMLR Secretariat which has more sophisticated data needs and technologies for assessing and managing migratory fish stocks in remote oceans, does not permit stakeholder access to its database and nor does it have a web page on the Internet. The

information management by activist secretariats such as the Ramsar Bureau raise a raft of questions which must be addressed by all IOs and CoPs. They include questions of what data to collect? Who collects it? How is this done? and Who has access, and who is responsible?

As long as IWRB and the Bureau retain a sound working relationship founded on mutual trust (and the Ramsar CoP retains control of the data base funding allocation to IWRB), the CoP's delegation of data management responsibilities to IWRB poses no threat to the Bureau. On the other hand, should the relationship between IWRB and the Bureau deteriorate, the Bureau could conceivably be 'held to ransom' by IWRB as the controller of the essential information which the Bureau requires to perform both its core and substantive tasks.

From a management standpoint, the administrative and functional separation of the database from the Bureau appears to have been very effective. It has optimized the use of the financial resources and professional expertise of each organization and shielded Bureau personnel from the demands of maintaining a database, thus enabling the Bureau's Technical Officers to spend more time on their key substantive tasks.

Social And Cultural Diversity

Managing External Diversity

Regionalization, as distinct from decentralization, has been heartily endorsed by the majority of Ramsar stakeholders. Regionalization recognizes the political, social and cultural diversity of members, and that it is operationally unwieldy to try and manage an expanded treaty base from Switzerland. The

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CCAMLR Secretariat attributes this to its Parties' refusal to allocate funds for the purpose. It also argues that the development and maintenance of a web page would require a dedicated staff member. In contrast, the Ramsar Bureau's web page is user-friendly, it is updated regularly, and additional personnel have not been required for this purpose. CITES also has an extensive database to monitor trade via its permit systems, and contracts data management tasks out to WWF/TRAFFIC. This is similar to the IWRB/Ramsar arrangement. Like the Ramsar Bureau, the CITES Secretariat, works closely with its partner organizations in monitoring and analysing the data collected.

main constraints associated with this mode of operation concern operational logistics and organizational resources.

Although the concept of regionalization was introduced in 1987, it was not until 1992 that regional Technical Officers were recruited and appointed in the Asian, African, Neotropics and Oceania regions. Officers are appointed from countries within the region for which they are responsible, and experience has shown that it increases the credibility of the Bureau to have technical experts with regional understanding and networks (Pers.Com.Bureau, 1995).

The Standing Committee was originally very wary of regionalization because it thought that a regional officer might try and overrule the region for which s/he was responsible. This has not happened and in 1995 the Standing Committee formally agreed to a regional approach by Bureau staff. As far as Bureau staff and personnel from partner organizations are concerned, the best thing the Bureau ever did was to appoint technical officers to work with the regions (Pers.Com.Bureau, IUCN, IWRB,1995).

As Ramsar cannot afford to establish regional offices, the travel budget is a major line item to get the Bureau's Technical Officers (TOs) out-and-about in their regions. However the value of working from a centralized base is that it promotes the cross-fertilization fertilization of ideas and information on the return of the TO's in a way that would not happen if each were based in a regional office. In this way, the Technical Officers as the key boundary-spanners of the Bureau, retain a global perspective rather than becoming restricted to a regional focus or captured by national or partisan interests in a specific region. Regionalization benefits both the Bureau and the regions.[9]

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[9] It is psychologically very sound for people in a region to have a regular on-ground, Bureau presence in the region as they gain a sense of ownership of Ramsar and its objectives in the region. However, if the Ramsar office were located in a particular region (as distinct from what has been accepted historically as a central location such as Switzerland), then Bureau personnel fear they would lose contact with what was happening in rest of world for the reasons mentioned above. It is essential that the Bureau's regional officers keep a global perspective as well as assisting countries in their region (Pers.Com.Bureau, 1995). Fortunately, global and regional communication has been assisted in more recent times by contemporary communications such as telephone, email and fax. According to the Technical Officers these less formal means of communication help a lot as they save time and travel costs.

Internal Diversity and Organizational Credibility

There is no doubt that having Bureau members from countries in the regions for which they are responsible has added to the Bureau's credibility. It helps address the problem of Ramsar's image as a European convention which gives preferential treatment in resource allocation to its Northern members. Many of the inter-regional tensions that were developing in Ramsar as its membership expanded beyond Northern countries, are being softened by having Bureau personnel with regional affiliations and knowledge acting as advocates for their region. They present the regional perspective in the context of the global forum. Had Ramsar remained dominated by Northern interests, its reach and success in fulfilling treaty objectives might have deteriorated.

In 1996, CoP6 agreed to appoint Regionally-based Ramsar Liaison Officers. The aim of these appointments is to facilitate expansion of the Convention's membership and enhance the level of general support available for Ramsar activities being undertaken in Africa, Asia, the Neotropics and Oceania, Regionally-based staff, in addition to those already funded from the core budget [existing Technical Officer positions] are highly desirable (Rec. 6.6, CoP6, 1996). However, these positions will not be funded from either annual contributions or from project funds. To resource these positions the convention has called on its members to "consider contributing ongoing [additional] resources" and on its partner organizations to "facilitate this initiative through co-location of these staff within their regional offices" (Rec. 6.6, CoP6, 1996). It remains unclear how precisely these positions will be funded and to whom the incumbents will be accountable.

In spite of these uncertainties, what is clear is that there is solid support for the Bureau's regional emphasis from Bureau members, partner organizations, delegates and NGOs. The value of having technical officers from the regions in the Bureau, means that they bring with them insight about regional problems and their resolution, including knowledge of fundraising sources and the use of advocacy to promote a region's interests within Ramsar.

Interestingly, Ramsar's regional emphasis appears to be changing the patterns of communication between Bureau personnel and their regions in that an increasing proportion of all communications is informal. A lot of information is unsolicited and is received informally - by phone and personal contact - from local or national NGOs. Technical Officers develop huge networks of contacts in a region and they use their informal contacts to check out whether formal intervention is warranted, wanted, whether it would be useful, or could be mistimed. On the basis of the information they receive the regional officers are well placed to advise the CoP and the Standing Committee on the status of an issue or site, and to assist regional members to develop and implement a strategic management plan for their region.

Developing a cultural and geographical mix of Bureau personnel remains a difficult balancing act. A cultural mix is desirable, but it is not an organizational objective in and of itself. The organization is concerned that if a specific cultural mix becomes an objective, then merit and all the other recruitment criteria might fall by the wayside. This would then create credibility problems for the Bureau whose reputation is founded on its professional competence. The recruitment emphasis is on the best person for the job.

It will be interesting to track the impact of regionalization on convention outcomes and on the Bureau's performance. Regionalization is currently the 'flavor of the month', but I have no doubt that managing regionalization is going to prove a taxing exercise for the very limited resources of the Bureau. Regionalization may well see the emergence of yet other organizational constraints, unless the plans for Regionally-based Ramsar Officers can be used to good effect, and the Bureau's organizational resources and strategic planning are reviewed accordingly.

Organizational Loyalties And Leadership

National Government Influence

According to the Bureau and NGO personnel I interviewed, conflicts of interest between national loyalties and ICS norms have rarely been a problem for the Bureau. However, one country is known to exert direct pressure on its national in the Bureau to pass on information and to influence policy in favor of the official's home country. When this occurs, the officer contacted notifies the Secretary-General. This same country is known to exert similar pressures on its nationals in other secretariats including the CITES Secretariat.[10]

A Ramsar Bureau member commented that s/he regularly received faxes and telephone calls from Country X about the need to 'defeat conservation NGOs'. It was explained to me that in the country concerned, a lot of government people hold NGOs in contempt as amateurs. They do not like them involved in conservation issues, nor does the national government want to have NGOs present at Ramsar conferences (Pers.Com. Bureau, 1995).

The Bureau officer helped NGOs informally as s/he would help any other stakeholder, but was regularly the target of serious criticism from national and regional government officials. In the home country's annual report, the government formally reported that a Ramsar monitoring report was 'unprofessional' because it allowed the NGOs to have their views included in the report. The officer had participated in the monitoring team as the TO for the region, and had facilitated the inclusion of experts and NGOs in that team, consistent with Ramsar's policy on the composition of Monitoring Teams.

The Bureau official also assisted the national environment agency. As one of weakest in agencies in the country, the agency has a limited budget and few staff. As the national organization responsible for implementing Ramsar, the agency is well placed to request additional organizational resources to ensure

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[10]For the reasons I give in Chapter 1, and reiterate in Chapters 6 and 7, I am not prepared to name the country involved, as to do so would reveal the identity of the individual Bureau officer concerned who fears repercussions on return home. I gave this assurance to all the secretariat officers so affected. Had I not done so, I doubt whether I would have been told of these incidents. In my view, not revealing their identity does not detract from the point I wish to make about national government influence.To protect the identity of the Ramsar officer involved, I have therefore removed the name of the country and its region from the following interview extract.

that the government is able to meet its international implementation objectives. By assisting the environment agency to enhance its capacity, the Bureau official also assists the national government to meet its international obligations - not that her/his assistance is viewed in a sympathetic light by the more powerful industrial development and finance ministries of the country.

Based on assertions in the IR and IO literature about the influence of national governments on international civil servants, I had expected to find more evidence of the national government influence in secretariats such as the Ramsar Bureau than I did. It may be that other Bureau officials were more circumspect, and/or by other governments were less flagrant in their attempts to exert influence.

Leadership Constraints

The position of executive head of an environmental treaty secretariat is not for the faint hearted if the experiences of the executive heads of the Ramsar Bureau and the CITES Secretariat are anything to go by. More will be said about CITES later, but as Dan Navid noted, that the Secretary-General is caught between three camps: the Contracting Parties (the Secretary-General serves the Contracting Parties, and in turn is looked to by them for leadership in policy guidance); the Standing Committee (the Secretary-General is officially a servant, but is expected to provide ideas leadership); and, as executive head of the Bureau s/he must provide leadership to her/his own staff. Here again, the Secretary-General both serves the staff by representing and defending their interests to the CoP and the Standing Committee, and by acting as a buffer between the staff and the Contracting Parties (Pers. Com. Navid, 1995). The executive head also provides intraorganizational leadership, and represents the staff to stakeholders inside and outside the treaty system.

The role of the Secretary-General is a contradiction in terms in that the incumbent is expected to provide policy and ideas leadership to the decision makers of the system, and organizational leadership in the Bureau, while formally being a 'servant of the parties'. The position is analogous to that of the Managing Director of a private corporation who has to manage upwards

to the Board of Management and downwards to the stockholders. A Managing Director also represents the corporation to the external environment as does the executive head of a secretariat.

Perhaps the three main differences between the two positions are: the divergence of positions among the stakeholders in an international agreement is major factor predisposing to conflict emergence; employment and salary packages - few managing directors would be prepared to work under the conditions of employment and for the level of remuneration that Secretaries-General do; and the overt political dimension of a treaty where the ICS code of practice prohibits a disgruntled Secretary-General from publicly criticizing the CoP. This makes a Secretary-General's position more vulnerable than that of his private sector counterpart. In this respect it can be argued, there are more risks and fewer rewards involved in being the Secretary-General of an international treaty secretariat than there are in heading a private corporation.

Criticisms of the Bureau's leadership can arise from any quarter. They are likely to reflect changes in the CoPs preferred policy direction which may conflict with those suggested by the Bureau, or suspicion that the secretariat is becoming too strong or independent. In these situations, it is the executive head who takes responsibility for the Bureau's performance and may become the scapegoat of the CoP. The Koshiro financial management incident mentioned previously, is an example of a situation where the substance of the issue (doubling the Bureau's meagre budget) was not necessarily the problem. It seems more likely that the manner of the budget's presentation was a tactical error by the then Secretary-General.

A cynic might also suggest that this error of judgement coincided with the coalescence of several other political factors which together contributed to the recommendation that the Secretary-General resign. These factors were: an influx of new members from the South; general disquiet among these new members that Ramsar was a Northern-dominated convention; the long-serving Secretary-General was from the USA; Koshiro in 1993 was the first CoP to be held in Asia; and no governments like to think they are being run by a civil service, however competent it might be. It was a explosive

combination. Perhaps the financial management issue which triggered the Secretary- General's departure was an opportunistic device to achieve the policy and management changes that the governments wanted?

Between 1995 and 1996, the Bureau experienced three leadership changes. Dan Navid, the first Secretary-General (1990-1995), an American, departed. He was replaced by Jim McCuaig as the Interim Secretary-General (from the Canadian national delegation). This appointment was made by the Standing Committee expressly to oversight the management reorganization of the Bureau and the development of the strategic planning process. The current Secretary-General, Delmar Blasco (from Argentina), took up his appointment late 1995, in time to present the Ramsar Strategic Plan to the 25th anniversary COP in 1996. His appointment was well received by Bureau members to whom he was already well known through his work with IUCN and NGOs.

These leadership changes, while unsettling, could well have been even more destabilizing for the Bureau staff. In practice, it seems that when personnel have a 'calling' it helps substantially in maintaining staff cohesion and commitment to organizational goals during times of upheaval. However, it will be instructive to see the extent to which the implementation of the Strategic Plan changes the dynamics of Bureau leadership.

McCuaig's assessment of possible implications of the Ramsar Strategic Plan, was that the [Bureau] leadership component of Ramsar had been very strong until 1995 because the Conference had been basically establishing its directions under the original treaty; focusing on acquiring new members; building up its technical capacity; and working on the monitoring procedure and the Montreux Record of sites which identifies where ecological changes have occurred. This meant that the Contracting Parties had little time to worry about the pros and cons of Bureau leadership. However the Standing Committee emerged from Koshiro charged with developing a 6 year plan for the period 1997-2002 which effectively reconstituted the Bureau's former leadership role. In McCuaig's view, although the leadership role of the Secretary-General had been very strong, if the leadership were taken over by a strategic plan run by the CoP and Standing Committee, then the Bureau's

leadership role would inevitably change, become lower in profile and its influence might be significantly diluted (Pers.Com. McCuaig, 1995).

I agree that such a scenario is highly likely, but not necessarily solely because of the implementation of a new strategic plan. First, McCuaig, was brought in by the Standing Committee - to provide managerial leadership and to drive the strategic planning preparation phase. Second, he was not a permanent member of the ICS, but a national delegate on short-term secondment from his national government to do a very specific job, namely, to reorganize the Ramsar Bureau in a way that ensured it did not 'get out of hand again, ' that is, become too independent, as it was seen to do in the Koshiro budget negotiations. His critical comments on Bureau leadership must therefore be seen the context of member self-interest.

Another leadership problem that emerged in Ramsar was that until the 1993 'crisis', the Secretary-General had been appointed for an indeterminate period. This made it extremely difficult to remove an executive head with whom the CoP was not satisfied. The problems this created emerged at Koshiro in 1993, when the CoP wished to dismiss Navid. The lesson learned from Koshiro is that future executive heads of the Ramsar Bureau will be appointed for one three year term. Only one extension will be allowed, and the Secretary-General's position will be regularly reviewed by the Standing Committee.

A further issue which complicated the Koshiro decision and the timing of the executive head's departure, was that no provision had been made in the convention's budget to cover the costs of paying out a Secretary-General departing before his term had expired. The CCAMLR Secretariat had similar problems when its Executive Secretary, Darry Powell retired, as did the CITES Secretariat when Eugene La Pointe was dismissed and successfully claimed unfair dismissal and sought compensation from Mustafa Tolba who was UNEP's executive head at the time (Pers.Coms. CCAMLR Sec.; La Pointe, 1995).

Ramsar leadership to 1995 could be described as primarily ideas-generating rather than decision-making leadership. Until 1994/95, leadership had also

been very independent financially because there had been little control over the convention's financial management by the CoP or the Standing Committee. The Koshiro incident has been a pivotal event in the Bureau's leadership history, and I anticipate that the current leader's mandate may well be less broad than his predecessors as the members try to reign in the operational independence of the Bureau via the Strategic Plan.

Implementation Conflicts

Conflicts between and among the Parties over Ramsar issues are reputedly rare. Ramsar's reputation as 'the friendly convention' is, however, likely to be seriously tested over the next ten years or so as the convention moves from a focus on nature conservation to land-use management. This shift in focus will raise the political profile of the convention, and the political, social and economic stakes of wetlands management as the economic value of wetlands as a national and international resource is more fully understood. This combination of factors is almost guaranteed to increase the incidence of conflict at both national and international levels, and it will make wetlands conservation more expensive for all interest groups by raising the stakes to conserve it.

Differences among political regimes in their attitudes to the management of wetlands are already starting to intensify. Governments which are either dictatorships, semi-dictatorships, newly-fledged democracies or politically undecided, have very different ideas about community and NGO involvement in wetlands management from more pluralist polities such as the USA and Australia.

The active involvement of non-state actors such as IWRB, IUCN, ICBP, and Wetlands International in wetlands management and monitoring has historically been a hallmark of Ramsar. From my observations of CoP6 and meetings of national delegates, the questions most frequently raised by delegates were: How am I going to explain "that" to my Finance Minister ? or, How am I going to explain "that" to my government? where "that" was the convention's expectation of active NGO involvement in Ramsar's implementation.

Conflicts Among Parties

The nightmare for Bureau personnel is that delegates will use Ramsar to push other issues such as human rights. This nearly happened at the Regina CoP in 1987. In this context, the Ramsar conflict that was recalled most frequently by those interviewed, was a dispute between Iran and Iraq over the contamination of Iranian wetlands by the use of Iraqi toxic chemicals during the Iran/Iraq war. Iran is a Ramsar member, Iraq is not. The issue was brought up by Iran at the CoP but was defused by keeping Iran focused on the technical aspects of wetlands damage and its remediation, rather than on the political implications of the issue, including the death of Iranian civilians from the use by Iraq of internationally- banned chemical weapons (Pers.Com.Bureau,1995).

According to a Bureau official, another factor that helped to scale down the Iran/Iraq dispute so rapidly was that politically 'high-ranking' people were not present (for example, US State Department diplomats). Instead, the Ramsar delegates were scientists. The conflict demonstrates the types of dilemmas Ramsar will face in the future. The convention needs 'high-ranking types' (such as the foreign affairs officials who attend CITES' CoPs), to raise Ramsar's international profile, but these 'high-ranking types' are more likely to subscribe to subjective political norms as the basis of decision making, an approach which might not be as objective or as acceptable as the scientific norms used traditionally by Ramsar to reach consensus.

As a senior Bureau manager and scientist commented, conflicts between parties have generally been handled on a consensus basis, and conflict management has not been a problem because,

> Ramsar's roots are in science, therefore people who represent a country to Ramsar are people who have some knowledge of the science and use objective criteria against which to assess conflict. This is how the Iran/Iraq skirmish was resolved (Pers. Com. Bureau, 1995).

A more recent situation involved Croatia and Yugoslavia. Croatia wanted Ramsar to monitor wetlands in an area occupied by Yugoslav troops.

However Ramsar declined as it would have required undue force, to say nothing of the risk to the Ramsar Monitoring Team.

To 1995, transboundary wetlands management had not been a significant problem for Ramsar. Countries like the Netherlands, Germany and Denmark have a joint ministerial declaration for the management of a major transboundary wetland involving all three countries. They have put a lot of funds into it and it is being managed under the Ramsar wise-use principals.

An African example of transboundary conflict prevention in wetlands management is Lake Victoria which spans Kenya, Uganda, Tanzania. The management problem is water hyacinth eradication. Three governments have come together to form a commission and sub-committees that are addressing the issue, even though Tanzania is not a Contracting Party. This case is discussed in detail in Chapter 6.

Another area where tensions have emerged among parties, is the selection of the location for the CoP. Countries compete to hold the triennial CoP as it confers international status on the host country and there is an economic multiplier effect from having hundreds, even a thousand, international visitors in a city. However, CoPs cannot be held in countries that won't give visas to certain nationals. Until recently South African delegates were refused entry to many countries and Israeli delegates were not permitted entry to some Middle Eastern countries. This created tensions among parties which the Bureau had to help smooth over. A related area of tension has been Ramsar's failure to hold a CoP in a developing country. This imbalance will be addressed when the CoP is held in Costa Rica in 1999.

A final area of potential tension among parties is the disbursement of WCF funds to members. Developing countries were concerned that the Wetland Conservation Fund would be opened up to European countries. They were concerned that if this happened, the money would be given specifically to Eastern Europe, and the rest of the world would lose out. [11]

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[11]As a former executive head commented, they were probably right. Canada and USA were reorienting their aid programs to give more help to Eastern Europe so that places like Kenya and East Africa fell off the list. This was partly related to the domestic political pressure

Conflicts between Parties and the Bureau

The majority of interactions between the Contracting Parties and the Bureau are harmonious and when differences of opinion occur, they are rarely public. Two issues that developed into open conflicts between the Parties and the Bureau were the 1993 budget negotiations and the 1995 selection process for Delmar Blasco who was appointed Secretary-General late 1995.

Negotiating the budget is always a conflict situation. It is essentially a case of how are the delegates going to explain a budget increase (and so an increase in national contributions) to their finance ministers back home. It tends to be backward planning based on how much money a country has, rather than the Bureau being asked what the job is. The conflict usually occurs in the Standing Committee because most of the countries on the Standing Committee are the ones concerned with budgetary matters (Pers.Com.Bureau,1995). As discussed in detail elsewhere, the budget was big problem at Koshiro as the Bureau asked for 100% increase. This caused a major conflict.

> It was one of the biggest conflicts we've ever had in Ramsar because paying countries couldn't swallow a 100% increase. They kept asking, How am I going to explain to my Finance Minister a 100% increase? (Pers. Com. Bureau, 1995).

This conflict appears to have emerged as the result of a tactical error by the Bureau. The Bureau had prepared the budget itself. However, the Budget Committee had not approved the budget before it went to the CoP, so neither the Budget Committee nor the Standing Committee would defend the Bureau's budget proposal at the CoP. This left the Bureau isolated. Members of CoP then succumbed to their traditional suspicions about bureaucratic self-interest and growth, opposed the Bureau's requested increase, and sought the resignation of the Secretary-General.

The selection of the new Secretary-General in 1995 developed into a conflict among the Parties for which the Bureau formally took responsibility. This

exerted by the many North Americans of Eastern European origin on their national governments to support the economic restoration of their countries of origin (Pers. Com Bureau, 1995).

was an effect of the lack of strategic planning by the convention. Ramsar had never before selected a Secretary-General. Dan Navid had been appointed via IUCN, and Jim McCuaig, as the Interim Secretary-General, had been directly appointed by the Standing Committee. So, there were no procedures or guidelines for putting together a panel to select a new Secretary-General. There was lot of squabbling among the Parties to get right mix of regions, languages, expertise and personalities. They were also concerned about cost of bringing a representative from each region. Australia and New Zealand (Oceania) declined to participate on the grounds of cost, and a last minute replacement for a panel member had to be found by the Bureau at short notice (Pers.Coms.Bureau, Delegate, IUCN, 1995)

It appeared that everyone was looking for someone to blame for the 'incompetence' of the process. For a member (or members) to have accepted responsibility for the debacle would have meant a loss of face. So, the Interim Secretary-General, Jim McCuaig, took the blame on behalf of the Bureau. He issued a formal apology to members (although he had nothing to do with the incident). McCuaig's explanation for his action was that taking the blame and saying "sorry " even though it was not the fault of the Bureau or the executive head is a way of sorting out a conflict, and conflict resolution is ultimately the responsibility of the Secretary-General (Pers.Com.Mc Cuaig,1995).

"It's almost like our life is built on conflict prevention" (Pers. Com. McCuaig, 1995). According to McCuaig, there is often conflict between the Bureau's goals and objectives and what governments are telling it to do. Bureau personnel are there because they want to do something for wetlands conservation and endangered species in wetlands, so they try and put pressure on governments to ensure they comply.

The Emergence of In-Country Conflicts

In the experience of Bureau staff, conflicts are more likely to occur between and among government departments within a country, than between countries. As Ramsar matures, and moves increasingly into land-use planning issues and further away from its historical roots in bird habitat and

conservation, tension is likely to increase as a greater range of government departments will be involved, not just Ramsar's traditional allies - parks, wildlife and conservation agencies.

According to Bureau Technical Officers, the Contracting Parties are generally good at cooperating in managing wetlands, except when they run into conflict within their own governments. Government agencies frequently collide in the competition for resources. The Ministries of Environment and Wildlife, the Forestry Department, the Finance Department, and the Planning Commission often compete within a country for the same funding sources. In situations such as this, the Bureau encourages all agency representatives with Ramsar responsibilities and interests to meet in fact-finding and problem-solving forums. These forums are often convened and facilitated by Bureau officers on missions to the country concerned. In this capacity, Bureau boundary-spanners act as catalysts at national and subnational levels to advance Ramsar 's interests and prevent further conflicts emerging unnecessarily.

The following site delisting threat by Belgium demonstrates how wetlands management conflicts emerge within a country, and how they have been handled by the Bureau. The Belgium government announced that it intended to delist a very important Ramsar site in the national interest, and that it would compensate for this delisting of part of the Ramsar site by allocating a larger replacement area elsewhere. In effect it proposed to cut out 27 hectares of the Ramsar site to build a container port near Antwerp for purely commercial reasons. It listed 200 acres somewhere else instead. The government then tried to repeat the exercise a second time.

In response to this threat and the resulting public outcry, the Bureau wrote a rather 'stiff letter' saying it could not see how these actions could be in line with Belgium's international Ramsar obligations. The letter said that serious consideration should be given by the Belgium government to delisting the site and thus becoming the first Ramsar nation to delist a site. As a Bureau representative said, "That's about as big a threat as the Bureau can make" (Pers. Coms. Bureau, 1995).

The Bureau's letter was then sent to the 'right people,' including the environment minister, relevant government agencies, and NGOs, and was used as ammunition by opponents of the delisting proposal to prevent it from happening.

In Finland, the Bureau was asked by the Finnish environment minister to write a similar 'firm but polite' letter to deter reclamation of an inner city area for commercial development purposes. The letter was then used by the environment minister to counter in-country pressure to develop the site.

A third example of in-country conflict was in Uruguay where an enormous Ramsar site of between 250 and 40000 hectares was designated by the military government, in consultation with the Bureau, to increase its political popularity. The exact size of the site was hard to determine as there was no map and the boundaries were unclear. Now that the political regime has changed and a democratic government is in place, it remains to be seen what this will this mean for the Ramsar site and for the Bureau's role in assisting national stakeholders to define and manage the site.

Understandably, in-country conflicts can be very touchy, but the Bureau has found that by providing information and trying to be impartial, it can help. As reported by a Bureau official (Pers. Com.1995), in a conflict between the Australian federal government and the Western Australian state government, the Bureau visited the site in question and made a report which strengthened the hand of the state conservation department in its negotiations with other state and federal agencies. This action could have been controversial. Instead it was very constructive for several reasons.

There was stakeholder respect for the expertise and professionalism of the visiting Bureau officials. The Federal environment department (which was then very strong politically and resource-rich) was also supportive of their conflict management efforts. This combination of factors gave the Bureau's site report and recommendations considerable political leverage. The Bureau's mission essentially provided the organization with an opportunity to convene a meeting of all stakeholders in an impartial forum where the

stakeholders felt able to table their positions and to discuss both the issues in dispute and possible solutions in problem-solving forums.

As a Bureau participant on the mission pointed out, the Bureau normally deals with conservation departments, and having external experts (the Bureau) make a recommendation strengthens the hand of the conservation department in the context of its domestic negotiations. It does not mean the conservation department is going to win, but it is often better to have outside experts without a vested interest, to assist with domestic turf battles. What Ramsar does is to provide a constructive forum for these issues to be raised and discussed, and it certainly appears to have helped in many cases (Pers. Com. Bureau, 1995).

In practice, the Ramsar Monitoring Procedure is an exercise in conflict management. The presence of a Ramsar monitoring team in a country is an acknowledgment by that country that there is an ecological threat to a listed site. The country may request a site inspection by a monitoring team, a non-state actor may inform the Bureau of emerging problems, and/or site-management problems may come to light in national reports. An external monitoring team of appropriate international experts and a Bureau representative is then set up by the Bureau to visit the country in order to undertake a monitoring procedure (a site assessment). The Bureau and the Ramsar Monitoring Team then prepare a report for the national government and the Ramsar CoP with recommendations for remediation and future site management.

In anticipation of increased conflict emergence as human pressures on wetlands increase, the Bureau is now getting involved in wetland issues before they become fully-fledged site conflicts. In Mexico, the Bureau was asked to help set up a monitoring team for a site which is as yet unlisted. This posed a problem for the Bureau and the Mexican government as there was no funding available to monitor sites that were not yet listed. The Mexican government would have had to pay for the monitoring exercise, or obtain external funding or partnership funding from another source such as the US government or an international NGO.

The political and conservation value of the Mexican case for the Bureau, was that it gave the Mexican Ministry of the Environment political ammunition to protect a waterway from a proposed development by using a team of external, international experts to draw attention to the issue.

Almost any wetlands site or potential site, where the dual objectives of nature conservation and economic development are at odds as witnessed in the above cases, have the potential to develop into conflicts. In this context, Ramsar's concept of wise-use and the application of the wise-use guidelines is a useful starting point for conflict management initiatives by the Bureau.

NGOs and Conflicts

As far as the NGO, Bureau and government stakeholders I interviewed were concerned, conflicts between NGOs and parties rarely come up at the CoP level. The explanation I was given by Bureau staff was that Ramsar NGOs are not the kind of NGOs that specialize in publicly embarrassing governments. Instead, they specialize in working with governments, rather than against them (Pers. Com. Bureau, 1995).

Where conflicts emerge between NGOs and parties in their own countries, the Bureau watches developments very closely to see that the NGOs, when being critical of their government, are not representing their views as those of Ramsar.

> This is for their good and for Ramsar's good. For their good so they don't damage Ramsar, and for Ramsar's good so that when the NGOs say something that makes the government angry, it does not backfire on Ramsar (Pers. Com. Bureau, 1995).

I obtained little evidence of NGO-government or NGO-Bureau conflicts. The majority of NGO-government conflicts seemed to occur in-country when NGOs supported environment and wildlife agencies in their struggles for the resources to manage and monitor Ramsar. Bureau-NGO tensions were discussed in relation to the Bureau's relations with its partner organizations.

There was no additional evidence of Bureau-NGO tensions at the domestic level.[12]

To sum up this section. From all the accounts of conflict emergence that I received, it appears that disagreements among government agencies over the leadership of and responsibility for Ramsar implementation processes and policy, arise primarily from competition among agencies for the resources to implement and manage Ramsar.

Although all those interviewed were at pains to assure me that Ramsar lived up to its reputation as 'the friendly convention', and that the stakeholders were all one big happy family, I found sufficient evidence of conflict among the parties and within countries to reassure me that Ramsar was not perfect, nor as conflict-free as many stakeholders would like to believe

Summary Of Problem Emergence In Ramsar

Ramsar's initial development has, in many ways, been a series of mostly avoidable omissions, errors and incidents originating from a poorly crafted text which have in turn provided valuable object lessons for secretariats following in the footsteps of the Ramsar Bureau. Subsequent secretariats, particularly the CITES Secretariat, were thus able to anticipate how, where and when problems might emerge and so put in place strategies and mechanisms to minimize the potential of similar problems occurring in the implementation of their conventions.

Of particular note in Ramsar's case are the recent changes in policy direction from a habitat conservation treaty to one focusing on land-use management. This will introduce another suite of political pressures which will seriously challenge Ramsar's reputation as 'the friendly convention'. I predict that the

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[12]The Bureau seemed understandably reluctant to be drawn into disputes between domestic NGOs and their governments. However, the Bureau often has indirect contact with domestic NGOs in conflict situations, in that environmental NGOs usually support the environment and wildlife departments (Ramsar management agencies) to monitor ecological changes in wetlands for inclusion on the Ramsar database and to assess the environmental impacts of proposed developments on listed wetlands. Environmental NGOs also tend to support Ramsar management agencies in their resource-allocation struggles with competing government agencies.

incidence of implementation conflicts will rise as the competing pressures of economic development and population growth and wetlands conservation collide, especially in developing countries which contain some of the world's most significant and threatened wetlands of international importance. In this scenario, the challenge for the Bureau as the network manager of the convention will be how to prevent and manage these conflicts to ensure that Ramsar's objectives are achieved and sustained.

CASE STUDY 2: CITES

Institutional Evolution

The growth in CITES membership from twenty-one countries in 1973 to one hundred and thirty four countries in 1996 (Green Globe Yearbook,1997), can be attributed at least in part, to the activism of the CITES Secretariat in promoting the benefits of membership of a politically and economically influential, global network for both developed and developing countries with common trading interests and environmental concerns. For developing countries there has been the added incentive of access to the CITES Trust Fund to assist members with capacity building as well as with institutional links to global financial institutions such as the World Bank.

CITES has always been more politically and economically 'hard-nosed' than Ramsar. The trade component of CITES means historically that it has been playing for higher economic and political stakes than has Ramsar. CITES is also directly concerned with domestic and international trade regulation and enforcement, and only governments can enact and enforce regulations. Although conservation NGOs and IUCN played a prominent role in CITES' evolution, the influence of governments in CITES has always been much more pronounced than in Ramsar.

In Jonsson's terms, CITES is an issue-area of high politics as well one of high technical complexity. In contrast, Ramsar has been an issue-area of low politics but high technical complexity.

Both CITES and Ramsar are scientifically complex. CCAMLR is also an issue-area of very high technical and scientific complexity but mostly low politics, although this fluctuates depending on the level of conflict between NGOs trying to conserve the marine living resources of the Southern Ocean, and the market value of the fish catches in developed countries such Japan, the USA and Europe. See Appendix 3.

CITES was able to benefit from the earlier treaty negotiation experiences of Ramsar and the WHC, and the convention clearly learned from the mistakes made in drafting Ramsar. In the light of Ramsar's experiences, CITES made sure to include provisions for: an amendment of the convention clause (Article XVII); a permanent secretariat (Article XII); and by CoP2 in 1979 a financial mechanism, the CITES Trust Fund had been approved. Both the CITES convention and the CITES Secretariat had a head start on Ramsar in that the treaty text and its implementation provisions had been more carefully crafted.

Other pieces of the 'CITES machinery' that have been vital to its continued success are: the CoPs; the institutional apparatus for managing trade in threatened and endangered species, including the criteria for adding species to the CITES Appendices; and the system of national trade records and reports. Together, these elements constitute a comprehensive and coherent global sustainable management regime which, in contrast with Ramsar, have minimized the emergence of institutional problems in CITES.

CITES also added what has become a CITES-unique clause, the power of the CITES Secretariat to formally "make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information, of a scientific or technical nature"(Article XII (h)). This power has been used by the CITES Secretariat to make recommendations to the Standing Committee and the CoP that trade bans be invoked against members which have been persistently in breach of their CITES obligations. Neither Ramsar not CCAMLR gives its secretariat formal powers of recommendation.

To this day the CITES Secretariat remains the only global environmental treaty where the secretariat has been formally endowed with such a power. From my interviews with secretariat and NGO personnel and delegates, it seems to me that in subsequent treaties including CCAMLR, WHC, Basel, CBD, CCD and the FCCC, the absence of comparable clauses may indicate that governments, alerted to the implications of such a formal power in strengthening the hand of the secretariat, and wary about the very activist (and, most would argue, very effective) roles assumed by the CITES Secretariat in assisting its members to achieve the treaty's objectives, reacted against the inclusion of a comparable clause in any of the above conventions. However, I was unable to locate documentary evidence to support this supposition.

Political Constraints

CITES dynamics and outcomes are strongly shaped by the constantly changing relations between international trade and environmental policies and priorities. In this general context, North-South relations are particularly influential. Southern nations constitute the majority of the range states (exporters), while the Northern countries dominate as importers and re-exporters of CITES species and products. This North-South dichotomy reflects a philosophical divide between Western developed country or Northern-style notions of nature conservation and preservation, and the development ethos of Southern or developing countries with rapidly expanding populations.

Since CITES entered into force in 1975, the North-South dimension in global politics has increased in importance, and global trade protocols and procedures have been formalized in the mechanisms of the GATT and the World Trade Organization (WTO). These trade instruments pose a real threat to CITES as the GATT and the WTO promote trade while CITES restricts trade (Pers.Com.Sec.,1995).

Conservation/trade, and North/South tensions are permanent undercurrents in CITES, and they emerge regularly in convention forums such as CoP9 in 1994 in the USA where the issue of re-opening the ivory trade was raised by African nations and heatedly debated along North-South lines.

Unable to reach agreement, a decision on the matter was put off until CoP10 in 1997 in Zimbabwe. The locations of the two CoPs undoubtedly swayed the timing (if not the substance of the final outcome) of the debate. A decision to re-open the issue of elephant 'culling' would have been greeted by storm of media, NGO and public protest, and domestic electoral backlash had the decision been taken in 1994 in the USA.

To delay taking this unpopular (in the North) decision until the next CoP was held in a Southern location, meant that the host country Zimbabwe stood to gain support from its domestic constituency and its African neighbours, while media coverage of the decision was lessened by the relative isolation of the location, plus the fact that since 1994, environmental issues had slid well down the international political agenda as memories of UNCED faded in the global political consciousness.

Relations with Members

The ivory trade issue is without doubt the issue which has caused, and continues to cause, the most ongoing tension between the Secretariat and the Parties and it erupts periodically as occurred in 1994 at CoP9.

At CoP9 in 1994 in Fort Lauderdale, USA, the secretariat advised the countries that if they felt they could not implement the convention regarding the protection of elephants, then they could enter a reservation until they were in a position to adequately protect their herds. Some Southern African countries were concerned that if South Africa were permitted to cull its elephant herds, this would send the wrong message to neighbouring countries which did not have the infrastructure to prevent poaching. The concern was that the poachers would choose to interpret the culling of South African herds as a re-opening of the ivory market, when the intent of the CITES strategy was to restrict trade to elephant products other than ivory, for example, hides and meat.

The Secretariat's suggestion that undecided parties might enter a reservation was based on the Secretariat's firm position that, if a country does not comply with what is in the resolution, then the Secretariat has no choice other than

to recommend to the party that it not to accept the document. The Secretariat is not bound by CoP resolutions, but Parties are (Pers.Com.Sec.,1995). According to the Secretariat, in 1995, the undecided parties were still not convinced of the Secretariat's argument and remained combative.

The Secretariat was understandably nervous about how this suggestion would be received for two reasons. First, when the ivory conflict was at its zenith in 1989, the Secretary-General of the day bore the brunt of international environmental NGO anger at what these NGOs construed to be the preferential treatment of ivory traders by members of the Secretariat, particularly the Secretary-General, Eugene La Pointe. In fact some NGOs accused him of receiving payments from traders. These accusations were hotly denied by La Pointe who remains angry about what he argues was a totally unwarranted attack on his integrity and professionalism. This incident cost him his job. In response, he accused US environmental NGOs of orchestrating his dismissal for their own ends, namely to bolster their flagging domestic constituencies and organizational coffers, the plight of the elephant being a major funding drawcard (La Pointe, 1992; Pers. Com. La Pointe, 1995).

The second reason for Secretariat hesitation about suggesting concrete action to members, relates to the dislike of the formal recommendatory powers of the Secretariat by some parties. They resent the power this gives the CITES Secretariat. Parties may then seek out opportunities to criticize Secretariat recommendations. By definition, "recommendations" cannot not neutral. It was an attack on Secretariat recommendations at the Lausanne CoP 7 in 1989 in relation to the African elephant management issue that resulted in dismissal of the Secretary-General (La Pointe, 1992; Pers. Com. Sec., 1995).

Many of the personnel I interviewed in the secretariats of Ramsar, CCAMLR, Basel, Montreal Protocol, CBD, FCCC, WHC and the CCD, envied the CITES Secretariat its formal recommendatory powers, arguing that they strengthened a secretariat's bargaining power in its relations with the parties. No other environmental treaty secretariat has these powers. But these powers have their drawbacks as the CITES Secretariat and the former Secretary-General found out.

There are, however, many instances where the Secretariat's recommendations are accepted and acted upon by the Parties. The most well known is the Secretariat's recommendation to the Standing Committee that the members should take action against Italy for its violation of CITES trade regulations. There is no formal provision in the convention text for sanctions, in effect 'sanctions' are silent, but trade bans were imposed on Italy by CITES members and Italy soon complied. In such a situation, a decision to suspend trade is taken under Article XIV,1. This article allows governments to take stricter domestic measures (than the CITES provision) regarding trade - including its complete prohibition.

That the Standing Committee acted on the Secretariat's formal recommendation to institute a trade ban against Italy for non-compliance adds weight to Secretariat's international reputation as a strong and activist organization whose advice should be taken seriously and respected. The organization should not be dismissed as just a 'servant of the parties'.

Re-export has created problems in Secretariat-member relations. Some countries have accepted imports they thought were acceptable, yet were illegal as only a small proportion of permits are able to be checked by the Secretariat. Sometimes a country has genuinely accepted the document [CITES permit], to allow re-export even though the origins of the goods were illegal. There is now a resolution that the CITES Secretariat should recommend against re-export (Pers.Com.Sec,1995).

Constantly adjusting to political shifts in the regions, particularly the rise to prominence of new nation states and their changing expectations of service delivery by the Secretariat, can be a source of tension in Secretariat-member relations. An example of how this can occur is found in an unpublished paper by Moulson (1995) where she comments on the political coming of age of Zimbabwe as a force to be reckoned with in CITES. According to Moulson, Zimbabwe has learned how to change the CITES system from within to both reflect domestic economic and political goals and to maintain popular support in the international community by appearing to play a leading role in a conservation regime. Moulson argues that Zimbabwe has gone from

protesting, but begrudgingly going along with CITES requirements, to working subtly from within the CITES power structure to alter the nature and goals of the regime, particularly in relation to the ivory trade ban. It is a case of regime membership actually enhancing national sovereignty.

The results of Moulson's study indicate that CITES as international regime does make a difference in the policy decisions and behaviour of its member states. Her comments on Zimbabwe are supported by representatives of international NGOs including the Humane Society. Of particular concern to the Humane Society was the delisting of the white rhino which was cited as an example of how vocal parties can change the course of a CoP (as Zimbabwe did in CoP9) and bring other parties with them. This comment referred to the shifting balance of political power in CITES, as the developing nations of Africa, Asia and Southern America are now becoming the vocal leaders of the convention when once the leaders were the USA, Australia and New Zealand (Pers. Com.Sec., Humane Soc.,1995).

In 1994 tropical timbers such as mahogany and marine species, including shark and turtles, were added to the CITES Appendices for the first time. The fishing and timber industries are very powerful forces in world trade, politically and economically. As with most CITES issues, there is a North-South dimension in both these cases. The timber producing countries are predominantly Asia and South America, and the consumer countries are Europe, North America and Japan (timber); and Japan and East Asia (shark and fish).

In responding to CoP9 resolutions to include timber and fish species on the CITES Appendices, the Secretariat has also changed its policy emphasis. It sees a need to address the lop-sided image of CITES as a 'megafauna fauna convention' (elephants, rhino and tigers), as plants outnumber animals seven to one. Plants and timber is where the CITES Secretariat is now putting its effort (Pers.Com.Sec., 1995).

This change of policy direction redirects limited organizational resources away from the high-profile species which have been the focus of NGO and media activities and which take up the bulk of Secretariat time and energy. I

estimate that this policy shift is likely to offer the Secretariat a temporary reprieve only. It is just a matter of time until timber and marine species are 'discovered' and taken up in earnest as drawcard issues by environmental NGOs. Fisheries and timber trade concerns will probably be the next environmental policy frontiers, once the 'megafauna' species become extinct in the wild. It has been predicted that this will be the fate of the wild tigers by 2000 (Pers. Coms. SSC, 1995).

To quote a senior Secretariat member, "the real money in wildlife is not in rhino but in timber" (Pers. Com Sec, 1995). Timber is a relatively easy issue for CITES to manage as Secretariat members claim CITES provisions can overrule those of timber trade treaties which promote an unsustainable global timber trade. Marine species are much harder to manage. Many marine species including fish, are highly migratory and their stocks are extremely difficult to assess. CITES Art XV, Para 2(b) on marine species requires that the Secretariat consults with intergovernmental bodies such as FAO, ICRW and the International Commission for the Conservation of Southern Bluefin Tuna (ICCAT), to obtain scientific data and coordinate conservation efforts. The inference is that it will be particularly difficult for the CITES Secretariat to manage the conservation of these species because of the overlapping jurisdictions, the existing involvement of multiple IGOs, and the economic and political strength of industry/trade interests.

Relations with Non-Members

The Secretariat spends a considerable amount of time explaining to non-members the benefits of joining CITES. It promotes the value of membership of a network of influential countries; peer support in managing illegal wildlife trading problems; and access to the CITES Trust Fund. In this mission, the Secretariat has been spectacularly successful. More recently however, small island developing nations such as Micronesia have expressed concern about the costs of belonging to multiple international agreements of which CITES is one. If CITES is to be successful in its future monitoring of marine species such as turtles, shark and corals, it is imperative that incentives be found to persuade these nations join CITES.

Changes in National Governments

Changes in national governments were not regarded as being as much of a problem for the CITES Secretariat as they were for the Ramsar Bureau. The reason for this appears to be that the well-established CITES infrastructure has acted to offset, at least to some extent, the implementation dislocations caused by changes in officials in CITES management authorities and political regimes. The CITES infrastructure includes Committees such as the Animals Committee and the Plants Committee; CITES' national legislation requirements; and national and regional capacity building initiatives, in particular the Secretariat's extensive regional training programs.

The majority of difficulties occur where there is a lack of CITES implementing and enforcement legislation in member countries and where competing policy demands within countries have led to decreased interest in environmental issues. Internal changes cause problems of continuity in information dissemination, and in the transfer of knowledge, skills and technology.

The CITES Secretariat coordinates and/delivers training and retraining programs in the field as often as possible, as an antidote to changes in national governments.[13] Secretariat personnel responsible for the African and South American regions commented that they expected people to change every 4-5 years, and so there is a constant search by Secretariat personnel for innovative solutions to this dilemma. In the South American region, the Scientific Officer, Obdulio Menghi, recommended to governments that in changing governments and officials, they not change the head of the CITES Management Authority as this is a critical position. In this way at least a nucleus of senior managers with authority and CITES expertise would be

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[13] The following example was given of how Secretariat personnel responded to disruptions in CITES implementation progress and compliance caused by changes in the government in Mexico. As formal communications take a long time to be re-established after a change in government, the Secretariat officer responsible for the region maintained communications with his Mexican networks both, state and non-state actors, by fax and telephone. He also offered the incoming Mexican officials field-based training courses. The Secretariat's view is that is best to train people in field so they can learn to track illegal trade from its source through the CITES system. However, every time government officials change, the Secretariat has to go back out and start again (Pers. Com. Sec.,1995).

retained to ensure continuity and a more rapid rebuilding of a critical mass of CITES expertise in the management authority (Pers. Com. Menghi, 1995).

Changes in national governments appear to less of a problem in Europe as even when government change, the CITES bureaucrats do not change as frequently (Pers. Com. Sec.,1995).

Time delays in communication and implementation activities are another problem which have been caused by changes in national and subnational government bureaucracies. This echoes the Ramsar Bureau experiences in Mauritania and the Neotropics. Time delays can be critical and the severity of their impacts tends to be issue-dependent. A delay may make the difference between species extinction and its survival. Inaction can occur in both developing countries where communications are slow, and in developed countries which deliberately 'mislay' faxes to stall for time in responding to Secretariat investigations into incidents of non-compliance.

That changes in national governments appear to be less of a problem for the CITES Secretariat than for the Ramsar Bureau, appear to reflect the differences in the viability of their treaty infrastructures. The CITES' infrastructure of committees, national legislation and training programs, ensures that even when national governments change, there is a sufficiently stable infrastructure and a critical mass of CITES knowledge and expertise in place to guide incoming officials. The existence of national implementing legislation ensures that governments cannot turn a blind eye to their CITES responsibilities as they are legally required to enforce CITES with the country.

Relations with UNEP

Relations between UNEP and the CITES Secretariat have a chequered history.[14] At its first meeting in 1976, the CoP adopted Res. Conf. 1.8 which

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[14]CoP7 (1989) saw a review of the Secretariat following the dismissal of La Pointe. Several significant changes resulted. Future Secretaries-General of the Secretariat were to be appointed by the Executive Director of UNEP in consultation with the Standing Committee, rather than by the CoP as had been the practice previously; and the Executive Director was to ensure that the Secretary-General implemented the policy guidance given by the CoP (rather than providing policy leadership). However, the Standing Committee retained its control over

noted that the effectiveness of the Convention depended largely on the effectiveness of the Secretariat, and the Conference resolved that a strong Secretariat was essential to the proper implementation of the Convention. The CoP recognized, even then, that the Secretariat did not have sufficient resources to meet its full responsibilities under the Convention, and proposed a reinforced Secretariat as a matter of high priority (Wijnstekers 1992:144).

From 1974 to 1984, IUCN based at Gland, Switzerland, performed the CITES Secretariat services under rolling contracts with UNEP. In 1984, the CITES Standing Committee reviewed the relationship between UNEP, IUCN and CITES, and identified deficiencies in administrative and financial management, staff relations and accommodation arrangements. The Standing Committee recommended that the Secretariat staff members be taken over as a functional unit by UNEP, as not all CITES parties were members of IUCN. In December, 1984, the CITES Secretariat moved from IUCN to a separate location at Lausanne.

In the 11 years the Secretariat was associated with IUCN, it had problems negotiating the issue of common services with IUCN, and relations with IUCN deteriorated because of these problems. It is *deja vu* that the Secretariat is now experiencing the same problems with UNEP. In fact IUCN, SSC and WWF personnel commented that CITES left its original relationship with IUCN because IUCN's financial management had been "appalling", but that since then the Secretariat's relations with UNEP have been a "nightmare for staff" (Pers. Coms. IUCN, SSC, WWF, 1995). Secretariat staff commented that although the relationship with UNEP had improved in the years up to 1994, co-location with UNEP offices in Geneva had aggravated tensions and slowed down work. The Secretariat felt that UNEP was trying to dictate to some

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Secretariat budgetary decisions and allocations from the Trust Fund (Wijnstekers 1992:147).

In 1994, still under UNEP direction, the CITES Secretariat was again relocated, this time to Geneva where it shared accommodation and administrative resources (Common Services) with several other environmental treaty secretariats - Basel and the CBD (UNEP); the FCCC; and the Convention to Combat Desertification (CCD). Another reason for the co-location of environmental treaty secretariats was that a Geneva location made it easier for national delegations to obtain information from the secretariats, while delivering increased efficiencies of operation. (Pers. Com. Delegate, 1995) By 1996, the secretariats of the FCCC, CBD and the CCD had all been relocated to other countries.

extent what the CITES Secretariat required in relation to personnel needs, numbers of staff, and classification levels.

Specific points of tension between the CITES Secretariat and UNEP that have emerged are the disparity of classification and salary levels among the UNEP secretariats; the issue of common services; and control of the CITES budget.

There is a clear disparity of classification and salary levels between the new UNEP Secretariats of Basel and the CBD, and CITES which is causing resentment in the CITES Secretariat. For example, classification levels for the executive head and professional personnel of the new Secretariats were allotted at D1 and D2 (director) levels. The CITES Deputy-Secretary General is only a P5 (professional officer) although he has been working for CITES since its beginnings, is extremely competent and is internationally very highly regarded by all stakeholders as became obvious during my interviews with NGOs, governments and traders. Interorganizational disparities such as these cause dissatisfaction among CITES Secretariat staff in their relations with UNEP, although in this specific case the individual himself said nothing to me about any disappointment he might have felt. Nevertheless, it was obvious that there were definite tensions between the CITES Secretariat and UNEP on this issue.

A key source of conflict between UNEP and the CITES Secretariat is the issue of common services and the costs (to the Secretariat) of being located in an expensive office block in Geneva. Putting it in its historical perspective, in 1995 the Secretary- General, Izgrev Topkov, commented that IUCN had apparently not understood the importance of CITES and so did not put sufficient effort into making the CITES-IUCN partnership work better. The parties therefore decided that the CITES Secretariat would to move from IUCN to UNEP. However, the views put to me by many Secretariat personnel were that the Secretariat now wishes it were in Ramsar's position, as the Ramsar Bureau has fewer problems with IUCN than the CITES Secretariat does with UNEP. Topkov concluded that the reason the Secretariat was fighting UNEP so strongly on the common services issue was that it had been through this before with IUCN and understood the implications for

organizational independence of capitulation to the partner organization, in this case UNEP (Pers.Com.Topkov, 1995).

Consolidating the presence of international secretariats in Geneva helped the FCCC and CBD as the bargaining stakes were high for countries to host these conventions, and their partner organizations UNEP (CBD) and the UN Secretariat (FCCC) stood to gain from negotiating good personnel and accommodation deals with the Swiss government. However, both have now gone - the FCCC to Bonn and the CBD to Montreal, as Germany and Canada offered better deals to their CoPs than did Switzerland. As summed up by the CITES Secretary-General, CITES is now taken for granted, while governments continue to fight to get the more recent conventions (Pers.Com.Sec.,1995).

A longer-term, potential complication for UNEP is that according to several delegates and NGOs representatives, UNEP is seen to have lost ground to UNDP in the competition for organizational credibility and constituency loyalty among developing countries.[15] The CITES Secretariat is watching closely the UNEP/UNDP situation very closely, CITES members are also members of trade treaties with access to UNDP's (larger) capacity building resources. The significance of this for UNEP-CITES Secretariat relations is that it lessens Secretariat confidence in UNEP's ability to assist the Secretariat financially, thus compounding the Common Services problem.

The Secretariat's difficulties in its relations with UNEP have a significant intraorganizational impact as they divert staff time and energy from substantive tasks. They are also potentially a 'chink in the armour' of the organization which could be exploited by self-interested stakeholders in

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[15] The points made to me by Secretariat personnel, NGO representatives and some delegates, were: UNEP's prime constituency is essentially developed country environmental NGOs and other stakeholders with an environmental conservation mission. UNDP's constituency is more focused on economic development. UNDP has a high-profile presence in developing countries through its system of regional offices and local advisers. When countries come up with capacity building proposals, UNDP has the program budget to assist, while UNEP's budget is much more limited. It seems that UNEP can never compete financially with the resources of the World Bank and UNDP, and UNDP's high profile on the ground in the regions, enhances its credibility. In contrast, UNEP's credibility rating is low because of the negative reactions of range state to what they regard as interference in their domestic affairs by Northern environmental NGOs as the base constituency of UNEP. CITES range states are therefore more likely to turn to UNDP for support, rather than to UNEP, in the trade/conservation debate.

playing off UNEP and the Secretariat, particularly when it comes to obtaining project funding.

Attempts by UNEP to establish control and management of the CITES' contributions (the regular budget) are another source of tension. In other UNEP conventions such as Basel, country contributions are managed by UNEP which then controls the Secretariat's budget allocation from these contributions. The CITES Secretariat is determined to avoid this scenario. To accomplish this, the CITES Secretariat makes sure it retains sound working relations with both its parties and non-state actors in support of the continued organizational independence of the CITES Secretariat. Developing country support for the Secretariat's position in its relations with UNEP carries considerable weight. It also capitalises on their apparent preference for UNDP assistance over that offered by UNEP in what appears to be a competition for constituency contributions between the UN programs.

Relations with NGOs

CITES has formal relations with two NGOS, WWF/TRAFFIC and WCMC (World Conservation Monitoring Centre). WCMC, formerly the IUCN Conservation Monitoring Centre, has provided data management services, wildlife trade statistics and technical advice to CITES since 1980. It enables the CITES Parties to implement the convention, and allows the impact of trade to be monitored (WCMC, 1995). [16]

While the Secretariat's relations with environmental NGOs and professional trader/industry organizations are generally sound and productive in terms of implementing CITES, not all parties react positively to NGO activities in their

[16]On behalf of the CITES Secretariat, data on world trade in wildlife is collected and analysed by the Wildlife Trade monitoring Unit (WTMU) which is part of WCMC's centre in the UK. Apart from trade statistics submitted by governments in compliance with CITES' reporting requirements, WTMU also receives information from IUCN/WWF TRAFFIC offices in several countries. Its information is universally regarded as reliable and vital to effective implementation.

TRAFFIC (Trade Records Analysis Of Flora and Fauna In Commerce) is a WWF instrument. It has a network of operatives on the ground in all CITES regions, who are in regular contact with domestic NGOs. By monitoring trade closely, WTMU and the TRAFFIC network are able to assist the Secretariat in spotting problem areas and prompting remedial action (CITES, Secretariat, 1989).

countries, particularly when it comes to monitoring CITES trade and assisting the Secretariat to identify infractions. In situations such as these, the Secretariat plays a crucial but informal and low-key role in smoothing relations among the stakeholders.

Northern environmental NGOs are particularly disliked in many of the countries of Asia and Africa. However, the intensity of government dislike of environmental NGOs is probably more pronounced in the case of CITES (than in Ramsar). The reason is that environmental NGOs have drawn massive, adverse, international attention to illegal wildlife trading activities in these countries, thus projecting to the rest of the world a very negative general image of these governments and their political and cultural practices. As an African representative said, NGOs have a contribution to make, but the real problem is that a lot of countries do not have the capacity to control poachers. Furthermore, many Northern environmental NGOs are more interested in making money [for their own organizations], than in conservation *per se* (Pers. Com.Sec,1995). The traditional medicine trade of Asia which obtains many of its products such as ivory and rhino horn from African range states, is a classic example of traditional cultural practices being heavily criticized by Northern environmental NGOs. These are not easy issues to resolve. One of the problems with the traditional medicine issue in Asia which was identified by environmental NGOs and then formally taken up by Standing Committee, is that exporting range states are easy to identify, but identifying the importing and re-exporting consumer countries is more difficult (Pers. Com.Sec.,NGOs,1995)

The Secretariat certainly supports the view that environmental NGOs play a very important role in assisting CITES to achieve its wildlife conservation objectives. However there are differing views among non-state actors regarding the 'use' of wildlife. The Secretariat seeks to find a balance between the extremists on both sides (environmental preservation versus uncontrolled use). The intensity of the ivory dispute is probably the classic example of the degree of difference between the position of the proponents of environmental preservation (non-use) of elephant herds for their intrinsic value, and the position of trading interests in support of free-trade. The latter

group advocates that the market should be allowed to determine the volume of trade.

The balance between these two perspectives is defined in the convention as 'sustainable use'. Defining 'sustainable use' in a convention text is vastly easier than trying to achieve and monitor it in practice. As a Secretariat member commented, the difficulty lies in trying to explain conservation to a developing world with an increasing population. CITES has an obligation to be anthropocentric in its focus, and an anthropocentric approach is the only way to convince G77 countries to implement and enforce CITES (Pers.Com.Sec.,1995).

The WWF perspective on NGO-Secretariat relations, is that NGOs and the Secretariat work together well if there is mutual interest, and when conflicts emerge they don't let conflict get in way of talking afterwards. They (WWF/TRAFFIC and Secretariat personnel) take the view that conflict is a problem for diplomats not for technocrats (such as environmental NGOs and Secretariat operatives), who are supposed to be able to deal with conflict and who accept it as part of doing business (Pers. Com. Sec.,NGOs1995).

The Humane Society's comments are in the same vein. Its representative followed on by saying that the CITES Secretariat is very influential. The Humane Society confirmed that it relied on the Secretariat to provide trade data; to detect infractions; to do the hard work with the parties; and that the Secretariat gives sound and reliable advice to parties and to management authorities. "The Secretariat makes recommendations and what they say really matters a great deal and carries a lot of weight" (Pers. Com. Humane Soc.1995).

Formal relations between the Secretariat and non-state actors have generally been mutually supportive. The data collection and monitoring service provided by WWF/TRAFFIC is an indispensable implementation tool. Secretariat relations with trading interests are also sound. These organizations provide financial assistance for capacity building and monitoring, as well as providing a valuable informal means of monitoring illegal trading via trading networks in both range and importing states. It is in

the long-term economic interests of traders to ensure that CITES' trade remains sustainable.

Unfortunately for Secretariat-environmental NGO relations, the actions of some Northern environmental NGOs in pushing for the dismissal of La Pointe in 1989, have left a legacy of caution and even a distrust within the Secretariat. This reaction is understandable as an organization's survival instinct is very strong and there remains a sense among the Secretariat members who were present at that time, that La Pointe was probably unjustifiably scapegoated and sacrificed for US domestic environmental interests. The US environmental movement was particularly strong at that stage. and was pursuing a very active agenda of domestic lobbying (Pers.Com. Sec., 1995).

Financial Constraints

The CITES Budget is divided into two parts, the regular or core budget and 'external funding'. The regular or core budget covers the Secretariat's basic running costs such as operational costs and salaries. As it is a labour intensive secretariat, salaries are the main expenditure from the regular budget which is financed entirely by mandatory contributions from the parties. Country contributions are calculated in accordance with the UN's scale of contributions. External funding is used primarily for specific projects such as capacity building and training.

Regular Budget

The Secretariat's main convention maintenance expenses are organizing and running the CoP - and the production of publications and communication costs (Pers.Com.Sec.,1995). Unlike Ramsar, expenditure for the CITES CoP is a line item in the regular budget. CoP 8 in Kyoto in 1992 cost approximately $USD 800,000 (Pers.Com.Sec., 1995). There is even a delegates fund to facilitate the participation of developing countries at the meetings of the CoP. The CITES Trust Fund is the main source of money for these activities.

In 1983, regular member contributions replaced UNEP as the sole source of CITES finance. That CITES collects and manages its own contributions (as distinct from UNEP collecting them on behalf of CITES), has helped with its success as it gives the convention more control over its own finances.

The CITES Secretariat advised that 70-80% of contributions were paid up by end of each year, although no countries pay on time. The main parties provide over 50% of budget with the USA, Japan and Germany being the largest contributors. The US plays a significant role in budgetary terms. It contributes 25% of the CITES budget, approximately $USD 1 million per year. CITES is thus financially vulnerable to a capricious US Congress, as is Ramsar. See Table 3 below on the following page.

In collecting members' contributions, it seems that one of the biggest difficulties of the international system is that the same governments speak different languages in different forums. For example, the representatives of Ministries of Forestry, Environment, Finance and Trade are all representatives of the same government, and their governments are often members both of the GATT and CITES. In the CITES forums these governments take decisions supporting conservation via trade regulations, and yet 3 days later in same town, at a GATT forum, the same governments are likely to overrule or contradict the decisions they took 3 days before at the CITES forum (Pers. Com. Sec.,1995).

Table 3

Selected Sample of CITES Scale of Contributions for Triennium 1993 - 1995

Party	UN Scale	Yearly Contributions	Total Contributions
	%	US$	US$
Argentina	0.57	22,367	67,101
Australia	1.51	59,253	177,759
Austria	0.75	29,430	88,291
Botswana	0.01	392	1,177
Brazil	1.59	62,392	187,176
Canada	3.11	122,038	366,113
China	0.77	30,215	90,645
Denmark	0.65	25,506	76,519
France	6.00	235,442	706,327
Germany	8.93	350,417	1,051,251
Honduras	0.01	392	1,177
India	0.36	14,127	42,380
Indonesia	0.16	6,279	18,836
Japan	12.45	488,543	1,465,629
Kenya	0.01	392	1,177
Malaysia	0.12	4,709	14,126
Mexico	0.88	34,532	103,595
Namibia	0.01	392	1,177
Saint Lucia	0.01	392	1,177
Seychelles	0.01	392	1,177
South Africa	0.41	16,089	48,266
Switzerland	1.16	45,519	136,556
United Kingdom of Great Britain and Northern Ireland	5.02	196,987	590,961
United States of America	25.00	981,010	2,943,031
Zambia	0.01	392	1,177
Zimbabwe	0.01	392	1,177

Source: Wijnstekers, Willem (1992) - *"The Evolution of CITES"*, 3rd ed. CITES Sec, Lausanne, Switzerland.

In 1995, the CITES budget was in the best shape in its history, and the Secretariat had money for 1 whole year before it was due to be paid, that is, it had the 1995 contributions due by 31 December, 1994 (Pers. Coms.Topkov,1995). The Secretary-General is responsible for the budget. Ensuring contributions are paid on time is a personal crusade as CITES may lose money on the convention's investments in the financial markets if contributions are late.

According to Topkov, the measure of the convention's success financially is that the budget is now at a point where the Standing Committee is trying to make persuade the Secretary-General to spend, forgetting that the UNEP Governing Council has commented that UNEP is in a precarious financial position and it not going to be able to lend to CITES at beginning of the year. Historically any shortfall [caused by late payment of contributions] been covered by UNEP, but now CITES can cover its own shortfall. CITES pays its own way, plus $USD 500,000 to UNEP for 3 officers. Thirteen percent (13%) is paid to UNEP to cover 'overheads' incurred in employing these officers. Apparently UNEP has suggested that these 3 officers go to Common Services and serve other conventions in addition to CITES, without the other conventions having to pay the 13% paid by CITES. If that happens CITES will effectively be subsidizing these other secretariats which have been less successful than the CITES Secretariat in collecting their members' contributions (Pers. Com Topkov, 1995).

Frustrations with UNEP on the Common Service issue and UNEP's persistence in trying to extract funds from the more financially solvent CITES Secretariat, were shared by all Secretariat personnel who felt that UNEP was not entitled to CITES contributions. Their view was that CITES contributions should be used to further CITES objectives, not to pay for expensive accommodation and overheads for other UNEP secretariats.

External Funding

External funding covers the costs of scientific and technical activities (for national capacity building), training programs, and specific projects. Voluntary contributions come from the Parties (60%), IGOs (9%) environmental NGOs (15%), and professional organizations such as traders whose activities are related to CITES (15%), and private donations (1%) (CITES Secretariat, 1993). The Convention ensures that the voluntary contributions from nature conservation organizations and trade organizations are equal as it minimizes the risk of backlash about the Secretariat favouring one interest group over another as happened in 1989 when the former Secretary-General came under fire as mentioned.

CITES 'external funding' is the equivalent of Ramsar's 'project funding'. Contributions are made on a voluntary basis for projects, especially for capacity building in developing countries the majority of which are range states. Decisions about what projects to fund are made by the Standing Committee on recommendations from the Secretariat, and the projects themselves are usually developed at the request of recipient Parties.

In spite of the optimism about the Secretariat's success in collecting members' contributions, the Secretariat's most significant operational constraint is a lack of money for capacity building and training which are sourced from external funds. These activities are the Secretariat's key, substantive implementation activities, and they are arguably the cornerstones of much of CITES' success. Several Secretariat personnel commented that there was never enough money to train people and to build national capacity, a point of view reiterated by NGOs.[17]

There are two basic types of Secretariat-sponsored capacity building. They are: development of infrastructure such as national CITES legislation, data collection and management systems; and the training of government officials at different levels of the national bureaucracies.

Capacity building projects such as the development of national implementing legislation, compilation of species inventories and the training of enforcement officers and national management authorities, have been fundamental to CITES' success. These projects are particularly important in developing countries where the bulk of the species traded is located. Many developing countries are endeavouring to reconcile conservation objectives with the impacts of increasing populations and the need to develop their economies. These domestic factors place considerable pressure on their governments to restrict, or oppose, any activities which might be seen to

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[17] As one NGO noted, the CITES Secretariat does not have the organizational nor financial capacity to deal with current issues, let alone with the new, emerging issues such as timber and fish which will need a lot of money to counter the funds injected into timber and fisheries exploitation by the international timber and fishing industries. In fact, CITES' problem is that it has limited trade control and cannot deal with the [current] demands placed on it, let alone the anticipated demands of monitoring trade in timber and marine species (Pers. Com. WWF/TRAFFIC,1995).

jeopardize opportunities for national economic growth. Consequently, CITES needs to be able to encourage such countries to develop realistic alternatives to illegal wildlife trading as a primary source of income for local communities.

Lack of money is the main obstacle to implementation and enforcement training. The Secretariat conducts and coordinates in-country and regional training programs for management authorities, scientific bodies, Customs officials and the police. Conservation NGOs and traders also participate on occasion (Pers. Com. Gavitt, 1993). CITES has to train people, and it needs to build national and Secretariat capacities specifically to do that. To advance an understanding of CITES in local communities, the Secretariat encourages the participation of community representatives and local NGOs in many of its training activities.

The problem is that there is often no specific funding for training, and CITES implementation success is limited by training and time constraints. Secretariat personnel firmly believe that training is definitely a key to successful implementation, however more personnel are needed to improve and expand the training programs The Secretariat gets around the problem of inadequate training to some extent by getting American nationals to do the training especially in the Central and South American region as they have the money to do it. From the Secretariat, American trainers learn what is required and what is most useful for the stakeholders. Secretariat staff participated in and supervised the first US-conducted workshop. These workshops show what CITES is about, and what it is doing in a country and a region. It is vitally important that countries have training to build up a critical mass in each country. This takes time and it cannot be done in 3-4 sessions. Follow up sessions are required as are workshops to train the trainers in their own countries (Pers. Coms. Sec.,1995).

To achieve its capacity building objectives, the Secretariat needs external funding to overcome the gap between the parties' needs and expectations and the inadequacy of their contributions for other than basic regular budget items. External funding has been used to bridge this gap, but its availability is

unpredictable. In the 1990s this gap widened as a result of cuts in national budgets and a serious decrease in the money available to CITES.[18]

External funding for projects is mostly conditional funding to cover specific activities. When a country voluntarily contributes $USD 10,000 for projects, it can stipulate the nature of the specific activity for which this money is intended. This is usually done in consultation with the Secretariat and the Secretariat is advised of the donor's intentions in advance. The Secretariat seeks funding from national governments, and approved organizations and associations. A donor list is approved annually by the Standing Committee, and includes environmental NGOs such as WWF, and trading associations such as the Fur Traders Association (Pers.Com.Sec., 1995).

International environmental NGOs are mainly implementing agencies rather than funding agencies and their resource input is more often found in on-ground activities such as assisting countries to design enforcement mechanisms and to draw up legislation.

Over the years, the Secretariat has received considerable project funding for enforcement and implementation activities. It has also received funding for scientific studies of species; and to fund specific Secretariat positions such as a specialist botanist, for a period of 12 months; and Japan has paid the salary and overheads to support a Junior Program Officer (JPO) for the Asian region. However, the Secretariat still faces a dilemma, if at the end of the funding year, funds for positions such as these are not accepted into the regular budget. If good officers disappear and projects cease [because funding dries up] this creates a conflict as parties' expectations have been raised and the Secretariat cannot deliver (Pers. Com.Sec.,1995).

Environmental NGOs and traders expressed concern that CITES enforcement is linked to the availability of resources and money. Effective implementation

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[18] It has become more difficult to get contributions, and with certain members it is difficult to see ways to improve or save money, because the Secretariat is are often dealing with different departments and people. In addition, CITES is now competing with the CBD (Pers. Com.Topkov,1995).

is thus totally dependent on the availability of financial, personnel and other resources, the lack of which are major obstacles to capacity building.

Competition with the CBD

The CBD is an emerging problem for CITES funding sources and thus for the Secretariat. There are problems determining the relationship between the CBD and other environmental conventions. CITES and Ramsar are potentially on a collision course with the CBD. At this stage CITES has the more to lose financially, than does the CBD which is still ramping up.

The advantage of the CBD to its members (most of whom are members of CITES), is that they are automatically eligible for funds from the GEF. This a powerful incentive for countries to join the CBD. For countries that are members of both CITES and the CBD, they have to pay two sets of annual contributions. From a members' point of view it could be argued that it is less onerous to meet CBD requirements than it is to meet those of CITES. The CBD has fewer enforcement 'teeth', and its Secretariat has no recommendatory power and so cannot bring pressure to bear on non-compliant members as easily as the CITES Secretariat.

As CITES pre-dates the CBD, CITES members are not eligible for GEF funding unless biodiversity (as distinct from a specific species) is at stake. Comments were made to me by CITES Secretariat personnel that biodiversity is a serious obstacle to CITES, and it will probably take time to sort it out.

In an attempt to achieve closer coordination with the CBD, senior CITES senior managers met regularly with their CBD, Ramsar and Basel equivalents in a series of 'synergy' meetings called in 1995 by the former executive head of the CBD Secretariat, Angela Cropper. Cropper's intention was to determine the 'turf' of potentially overlapping environmental conventions, particularly those of Ramsar and CITES, and so avoid duplication and replication of activities (Pers.Com. Cropper, 1995).

However, it was the feeling of CITES personnel attending these meetings, that the CBD was intended to be an umbrella convention for all the others

including Ramsar, CITES and the WHC - an approach which appears to have been strongly resisted by the secretariats of these conventions which fear being subsumed by the CBD.

Organizational Capacity And Management Constraints

The major organizational management constraints are personnel issues. All the CITES Secretariat personnel interviewed commented on the need to improve the organization's resources and its capacity to cope with a constantly expanding membership, an increasing diversity of issues, and the specific challenges posed by the intersection of trade and environment issues particularly the emerging issues of timber and marine species.

Personnel Issues

Employment uncertainty has been a perennial feature of CITES Secretariat working conditions. It speaks to the dedication (the 'calling') of the staff that they have continued to work for long periods of time under less than optimum workplace conditions: less pay, relative to other UNEP Secretariats; huge workloads; long hours, on average 12 hours per day; and employment contracts have been as short as 2-3 months. These problems have emerged largely because, in theory, there can be no permanent Secretariat positions. Legally, the CITES Trust Fund has a limited life, so it cannot be assumed that the Secretariat itself will survive indefinitely, hence in 1995 personnel were on contracts of between 2 and 5 years on average.

Until 1995, some staff were on 2 and 6 month contracts as the contributions flow from the parties which fuels the regular budget (from which salaries are taken) was erratic.[19]

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[19] In 1995, Secretariat staff were working contrary to UN rules. They were getting less for travel than the UN travel conditions dictated, and CITES translating/interpreting teams were getting lower salaries than personnel in more recent secretariats because of funding uncertainties. When Topkov took up his position in 1990, contracts were for 3-6 months for most professional personnel and 1 year at best. Personnel even went on missions without contracts and so were not covered by insurance. By 1995, everyone had a contract of up to 5 years. Topkov's philosophy appeared to be that if he did not look after 'the system' (the staff), then 'the system, would be reluctant to defend him if needs be.

Many personnel commented on the need for employment stability and continuity to ensure staff commitment, especially the commitment of younger staff who did not appear to have the 'calling' of members of the previous generation who had been with CITES since the 1970s. IUCN and NGO representatives commented that short term contracts made it difficult to build up and sustain a critical mass in the Secretariat.

As several national delegates, environmental NGOs, traders and Secretariat staff commented, one or two people (notably the Deputy Secretary-General, Jacques Bernay and the Scientific Officer, Obdulio Menghi) were invaluable to the Secretariat. However, unlike Ramsar's 'backstoppable positions', there is no organizational succession plan in the CITES Secretariat. The official position I was given is that no one is indispensable. However when several of the more senior officials including Bernay and Menghi, retire over the next few years, the Secretariat will lose valuable organizational assets. In the absence of succession planning and an internal mentoring system, these two officials are the core of the institutional memory of the convention and their professional and personal networks are extensive and extremely influential after some twenty years of working on CITES issues.[20] A new generation of officers is being recruited, largely on short-term contracts or secondments from their national bureaucracies. It takes time and experience for incoming personnel to build up their professional credibility and networks, and the confidence of stakeholders.

From my observations, workload demands on the Secretariat are substantial. Twelve hour days in the office are commonplace and contradict the public misconception of lazy bureaucrats. It is the same at Ramsar, the personnel of both secretariats demonstrating a professional and personal commitment above and beyond the call of duty.

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[20] I am certain that their loss will be keenly felt. They are charismatic individuals whose CITES expertise, professionalism, integrity and accessibility were freely acknowledged and respected by all stakeholder interests, governments, environmental NGOs and traders. It general terms, it was frequently said that they inspired confidence in the convention, always listened with an open mind, and gave very sound advice. At the time of my field work they was no indication of how and by whom they would be replaced.

Personnel recruitment is another source of tension between the Secretariat and UNEP. Recruitment is handled in the first instance by UNEP. The Secretariat considers that UNEP's recruitment management practices are unwieldy and result in a loss of control of the process by the CITES Secretariat. The Secretariat decides what personnel it wants and then the positions are advertised globally at UN and UNEP offices and distributed to the parties. There are predictable time delays in and frustrations with, this process as the CITES Secretariat is located in Geneva while the UNEP recruitment bureaucracy is in Nairobi. Because of the delays caused by a complicated UN appointment process and the backlog of work that piles up while the Secretariat is waiting for the process to run its course, the Secretariat tends to appoint from within.

Junior Program Officers (JPOs) who initially come into the Secretariat on twelve month secondments from national bureaucracies or from TRAFFIC, WCMC or IUCN, are a convenient source of internal appointments. Secondments are bilateral agreements between a government and the Secretariat. They are of mutual benefit to the Party and to the Secretariat: the member government gets young, UN-trained personnel; and the UN gets their services paid for. Secondees have priority in the recruitment process. This helps short circuit the UNEP process.

The conflict between UNEP and the CITES Secretariat appears to be an interorganizational tussle for control of arguably the most powerful and wealthy of the UNEP conventions, fuelled by UNEP's reputedly waning financial situation and political clout, and the apparent ascendancy of UNDP in the regions.

Data Management

Although the Secretariat has formal responsibility for monitoring trade permits, the primary data management task and statistical compilations which are the core of the CITES monitoring and enforcement processes are

contracted out to WCMC, IUCN and NGOs in recognition of their technical capacity to handle data management tasks. [21]

Information from the CITES database is the convention's primary source for determining what action should be taken in the event of infractions. For example, when Europe and Indonesia disagreed over the export of reptiles from Indonesia to Europe, the Significant Trade Report was the starting point for discussions. IUCN reviewed the report, but it was left to Secretariat to recommend to the Standing Committee whether or not it should suspend trade (Pers. Com. Sec.,1995)

Time

Insufficient time to accomplish all the organizational tasks is an eternal problem for all secretariats, a case of too few personnel and organizational resources to service the ever increasing expectations of the parties. The CITES Secretariat identified training as perhaps the Secretariat task most essential to effective implementation. While it was agreed that training paid dividends in educating countries and officials about CITES requirements and promoting compliance, it was also agreed that training was resource intensive and that it took considerable Secretariat time and energy to organize, including enlisting the cooperation of numerous international organizations such as Interpol, environmental NGOs and traders, and national enforcement and CITES management agencies. In budget allocation decisions time spent on training thus has to beweighed up against other task priorities such as monitoring compliance.

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[21]Data management tasks include the compilation of: trade information (Significant Trade Program); scientific information (Nomenclature Project); and the national legislation project. The Significant Trade Program is a data system for identifying species which are subject to significant levels of trade vis a vis species numbers. The CITES Animals Committee identifies the target species via contracting the work to WCMC and IUCN. The Animals committee then analyses the data and makes recommendations to the range states about the need to apply trade restrictions; and the Secretariat recommends to the Standing Committee what actions should be taken if there is a serious problem and a Party is not complying.

Problems of Social And Cultural Diversity

Managing External Diversity

The 1995-97 Strategic Plan identifies the main work of the Secretariat as being in the regions. However, senior personnel advised that contrary to popular belief, there is more work in the importing states of developed world, than there is in the range states of developing world, if 'work' is measured in the volume of trade. A CITES regional presence makes sense for political reasons, but it creates logistical and personnel management difficulties for the Secretariat.

A professional officer is responsible for each of the 7 CITES' regions. In addition each officer has a thematic responsibility. The Scientific Officer covers Latin America; the Enforcement Officer is responsible for North America; the Plants Officer covers Eastern and Western Europe; the Quota Officer oversees Africa; and the Deputy Secretary-General is responsible for Asia and Oceania. Professional staff considered that regional work was very important for the Secretariat's credibility as well as to optimize service delivery.

From all accounts, CITES representatives are well accepted in the regions through the CITES system of committees. The Secretariat has representatives on each CITES committee. The Secretary-General is on the Standing Committee; Scientific Officer is on the Animals Committee; and the Plants Officer is on the Plants Committee. Secretariat participation on these Committees enhances the Secretariat' s reputation and profile in the regions, and the organization benefits considerably from the networks and alliances it forms with stakeholders.

Within the regions, capacity building problems emerge for a range of reasons. In the African region, national agencies are faced with a lack of personnel in management authorities and the Secretariat cannot do anything about it except to suggest that governments try to keep a small 2-3 person team in place for several years to build up a critical mass of in-country CITES expertise and provide continuity of service. There are also difficulties in ensuring that

project and treaty implementation advice given by the Secretariat is taken on board by the parties; and there are the inevitable time delays in communications between the Secretariat and the parties, similar to those experienced by the Ramsar Bureau in its communications with African countries. In some developing countries, even if CITES management agencies have a fax machine to communicate with Geneva, there may be no paper available locally.

No money is the underlying problem in the African region. Many management authorities have insufficient funds to carry out essential surveys and monitoring, and many of the parties in the region do not meet (even when a forum is available) as they need external funds to attend. The costs of attending regional meetings are high, as Africa is more decentralized than Europe or North America and CITES is a low priority of many African governments (Pers. Com.Sec.,1995).

The development of a regional presence has been a valuable political strategy for CITES implementation and for its Secretariat. It improves understanding of CITES' obligations and requirements and the opportunities afforded by membership of the convention. In addition, it facilitates access to convention expertise via Secretariat specialists with regional knowledge and networks.

Regionalization of Secretariat tasks and responsibilities has helped enhance the presence of CITES as a UNEP flagship in regions traditionally 'occupied' by UNDP. Cynically, it might be argued that regionalization is just another colonizing strategy. However, the feedback from all stakeholder interests involved in Secretariat regionalization initiatives, was positive. They were especially appreciative of direct advice and service delivery such as training programs (Pers. Coms. NGOs, Traders, Delegates, 1995).

Organizational Loyalties And Leadership Constraints

National Government Influence

The same country that put pressure on its national in the Ramsar Bureau, puts pressure on its national in the CITES Secretariat. This was the only example given of tension between a commitment to ICS norms and national loyalty. It appears that there are individual differences in the ways these situations are handled by the officers concerned, depending on the life experiences, political ideology, personal philosophy, and ambitions of the incumbent. The CITES Secretariat incumbent appeared to be less outraged by pressures from the home country than the official's Ramsar equivalent.

Leadership Constraints

The CITES Secretariat has had its share of leadership crises, in particular the dismissal of the Secretary-General in 1989 over his alleged mismanagement of the ivory issue. La Pointe was the Secretary-General of CITES from 1982 to 1990 when he was dismissed under controversial circumstances. That the Secretariat received some financial support for projects from ivory traders, merely served to add fuel to the fire to remove La Pointe as US environmental NGOs put pressure on the US government to encourage his dismissal (La Pointe, 1992; Pers.Coms. Sec., NGO Reps.,1995).

Some of the international NGO representatives I interviewed appeared personally sympathetic to La Pointe's position, but their organizational position was to support their NGO colleagues (Pers. Coms. WWF, Humane Society, 1995). Others remained critical, saying it was the lot of the Secretary-General to take responsibility for such situations, and that La Pointe should have been more careful in his selection of funding donors. These respondents were seemingly forgetful of the fact that NGOs such as WWF also donate financial and in-kind assistance to the CITES Secretariat for use in projects.

Many of CITES Secretariat staff present at that time this issue erupted in the CoP and the Standing Committee, were clearly critical of the decision to dismiss La Pointe (Pers. Coms. Sec., 1995), and still kept in touch with him.

His dismissal definitely had a profoundly negative effect on Secretariat morale, and the organization is now more cautious in its relationships with environmental NGOs.

CITES has always been a treaty to regulate international trade. It was never intended to end trade per se. However, the growth of domestic environmental NGOs (especially in the USA) in the 1970s and 1980s as a potent political lobbying force had gathered considerable momentum by the time the ivory debate with its much publicized images of butchered elephant carcasses was televised around the globe. Public outrage over this situation and the apparent lack of international political will to do anything about it, reached a crescendo at CoP7 in 1989. La Pointe became the scapegoat in an unwinnable political issue - an unpleasant, occupational hazard for a Secretary-General. Certainly, La Pointe's departure from office was more public than that of Dan Navid, Ramsar's Secretary-General to 1995, whose request to the CoP to double the Bureau 's budget was the catalyst for his departure.

The difference between the ways in which the two situations were handled reflects the differences in the political gamesmanship and the stakes involved in each set of circumstances. Stakeholders in the ivory issue which resulted in La Pointe's departure were playing for very high political and economic stakes, whereas the circumstances leading to Navid's forced resignation were more to do with the internal management of the Ramsar Bureau which reached a head at the Koshiro CoP in 1993. Unlike La Pointe's situation, Navid's departure (although known in Ramsar circles) was not the highly political and publicized affair faced by the CITES' Secretary-General.

The departure of these Secretaries-General heralded the end of an era of secretariat leaders who were inspired by the environmental fervor of the 1970s and UNCHED, as was Darry Powell, the first Executive Secretary of CCAMLR who retired in 1990. Their replacements appear to be a different breed of international civil servants, ones whose leadership and management focus is on achieving organizational efficiencies.

Implementation Conflicts

The CITES Secretariat was less forthcoming with information about conflicts than the Ramsar Bureau, although conflicts among CITES parties, and between Parties and NGOs and over 'charismatic megafauna' species such as tigers, rhino and elephants have received more publicity than the conflicts that have occurred in Ramsar. I suggest that the caution of the CITES Secretariat in discussing treaty system conflicts might be an understandable reaction to its earlier sense of betrayal by environmental NGOs. According to NGOs and the Secretariat, the majority of conflicts are among parties, and between parties and NGOs, but rarely between NGOs and the Secretariat, or between parties and the Secretariat, the exception being the 1989 incident involving the Secretary-General.

Delegates interviewed were extremely reluctant to acknowledge the existence of conflicts either among members or between governments and the Secretariat, the exception being some very general comments on the much publicized ivory issue. When I raised questions about conflict management within the treaty system, delegates generally made efforts to avoid responding directly. However, some were less hesitant to comment on the difficulties that many developing country governments have experienced with environmental NGOs.

Conflicts among the Parties

The most persistent conflict in CITES has been the ivory conflict. It has become increasingly political and emotional, and it reflects a conflict of two philosophies. The first wants to sell ivory as a means of increasing environmental budgets in range states. The opposing philosophy says that selling ivory will encourage poaching and the decimation of the elephant herds. The Secretariat has been pressing for innovative solutions to present to the Standing Committee and the CoP. In 1995 officials commented that the issue would have to be resolved by CoP10 in 1997, else countries might leave CITES (Pers. Coms. Sec.,1995).

The tiger and rhino have also been the focus of conflicts among parties and NGOs, and the Secretariat has been deeply involved in these (Pers. Com. Sec.,1995).

In describing the status of conflicts in the treaty system, a senior Secretariat staff member suggested that conflicts among CITES' parties have never quite got to the point where the arbitration article in convention has had to be used, and there most certainly had not been any conflicts referred to the ICJ. The most serious cases had been resolved by negotiations some of which had been facilitated by senior Secretariat personnel, usually the Secretary-General, the Deputy Secretary-General or the Scientific Officer. Conflicts which have emerged in the treaty system have mostly been about problems raised by the implementation of the treaty's domestic measures. I was unable to obtain from Secretariat officials, examples of actual disputes between governments in which the Secretariat had been involved.

The problems of implementing the domestic measures required by CITES have been raised on a number of occasions, and particularly by countries complaining that they have not been informed or consulted about domestic measures that have been taken in other countries. When a class proposal was submitted by some African countries which tried to get approval for less rigorous domestic measures than were stipulated in treaty text, the answer was clearly 'no'. It is clear from the text that countries may take additional domestic measures as outlined in Article XIV. It is a case of "you cannot be less strict [than CITES], but you can be more strict" (Pers.Com. Sec., 1995). An example of conflict emergence was described by a Secretariat official as follows:

> this was mainly a conflict between some Southern African countries and the European community. European countries complained about an African county exporting to Europe on regular basis, a supply of reptile skins. Then someone in the European community(EEC) decided to put a ban on importing these skins without first consulting with the exporting country. Someone else in the European community then claimed that the species did not even exist in the exporting country. The trader was surprised, and the exporting country asked," Why this provocation? What can be done? The Secretariat then wrote to the EEC asking it for information. It received information that the African country had been exporting skins to Europe for many years; that there had been problems, but the species definitely existed in the range state. This information was received by the Secretariat from the EEC and it was then passed to the exporting country, which agreed to revise its export limits. In this case, there was only one trader involved in Europe, and he accepted

the concerns expressed. He then agreed to provide money for a study of the species and the sustainability of the trade. The study was carried out by the European Union and coordinated from the Secretariat. The study found that the country could export up to 80,000 skins, and a ban was not imposed (Pers. Com.Sec.1995).

This kind of conflict has occurred a number of times in the 25 years of the treaty. I believe that the main, serious conflicts have occurred between [exporting] countries and consumers. Smaller conflicts have occurred relating to the re-export of specimens from Europe through Switzerland--- but everyone is very afraid of serious conflicts and wants to avoid them (Pers. Com. Sec.,1995).

"The only conflict of any size is the tropical timber issue" (Pers. Com. Sec., 1995). Curiously this comment was made by a Secretariat official at the time when stakeholders were preparing their strategies after the reopening of the ivory debate at CoP9 in 1994. However, the person concerned had only been in the Secretariat a relatively short time, was not a "megafauna fan", and the official's professional interests lay in the flora field which probably explains this partisan perspective. However, it is fair to say that many Secretariat personnel and stakeholders confirmed that they see the new listings of timber and marine species as being *the* potential areas of CITES' conflicts in the future.

The potential for conflict appears to be increasing. CITES parties are now discussing how CITES might be used to regulate illegal trade in endangered species of tropical timber such as mahogany. As far as fisheries are concerned, CITES has not been involved in managing these species before. Traditionally, other organizations such as FAO, have dealt with fish and forests. However, CITES Parties are realizing that, as CITES has had success with other flora and fauna issues, then CITES might well be a way to tackle timber problems.

At same time, resistance can expected from parties with timber trade and commercial fisheries interests because they fear the power of the CITES Secretariat to recommend that trade in certain commodities and species be stopped. In the opinion of a senior Secretariat official, " a lot of conflict is building among countries in relation to giving CITES the power to look at the international timber trade and fisheries "(Pers, Com. Sec.,1995).

In anticipation of conflicts in the regulation of the global timber trade, the Secretariat is taking measures to minimize a potentially negative backlash

from the timber industry. The Secretariat Plants officer has attended International Tropical Timber Organization (ITTO) meetings to explain CITES procedures; ITTO representatives have decided not to set a course against CITES; and the Secretariat has taken ITTO criticisms to the Standing Committee for its consideration.

As a result of CITES Secretariat negotiations with the ITTO Secretariat, and the reciprocal participation in ITTO and CITES meetings by relevant officials from each organization, the CITES Secretariat recommended to the CITES Standing Committee that a Timber Working Group (TWG) be established in CITES. In the interests of trust building with a very wary timber industry, it is a small, closed working group, although true to CITES style as a transparent convention, four NGOs are represented. The TWG consists of representatives from CITES, ITTO, TRAFFIC, IUCN, and a US trade NGO as well as the usual national representatives. The aim is to create a structure to evaluate timber proposals put by the parties. The TWG provides a cooperative forum from which to set guidelines. It has been agreed that ITTO meetings will run parallel to TWG meetings and that the CITES Secretariat Plants Officer will attend both (Pers.Com.Sec.,1995).

In- Country Conflicts

Secretariat interventions in in-country conflicts among competing domestic bureaucracies were not a priority issue. The Secretariat's concern with conflicts was more focused on those that occur among parties, and between parties and NGOs. However, the Secretariat expects in-country concerns to become more of a problem in the future as competition over funding for CITES implementation increases. This competition is likely to be fuelled by increased tension between conservation and trade as trade issues regain centre stage on the international agenda, as memories of UNCED fade, and as the influence of GATT and the WTO grows.

Developing Countries and Environmental NGO Conflicts

Tension and overt conflicts between environmental NGOs and developing countries tend to revolve around their different philosophies, political

priorities and objectives. Environmental NGOs in CITES are primarily concerned with nature protection and species preservation. In contrast, developing countries are primarily concerned with encouraging economic growth and dealing with the implications of population growth. Range states argue that selling ivory legitimately may help decrease poaching as it injects money into the local economy. It also provides money to employ enforcement staff, and to increase personnel in CITES management agencies. Putting it simplistically, the environmental NGO response has been that any selling of ivory, legal or illegal, sends the message that it is alright to kill elephants for ivory and by inference, all other wildlife.

As mentioned by Ramsar Bureau staff, being an environmental NGO in a range state can be very risky and life threatening. CITES is definitely a higher stakes game than Ramsar as prized wildlife specimens attract high prices on the international black market. High politics and high economics are characteristic of CITES more so than Ramsar, and field work is potentially a lot more dangerous for international (and especially local) NGO representatives working on CITES' issues. TRAFFIC and SSC representatives tell stories of people being threatened, disappearing, and being killed (Pers.Coms. SSC, TRAFFIC, 1995). Many environmental NGO operatives are forced to work 'undercover' to track illegal trade from its source to its destination. This has not prevented the NGOs from persevering, but it has attracted opposition and earned them enemies in some range states which resent what they regard as a new form of cultural/environmental imperialism by the developed world.

Not all regions are totally opposed to assistance from environmental NGOs. In Africa, environmental NGOs were instrumental in the evolution of the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora which was signed by 6 African nations in 1994 to combat the smuggling of wildlife out of the African continent (TRAFFIC Bulletin, 1994). However several Southern African countries were most reluctant to agree to sign, because of NGO involvement.[22]

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[22] "Many of the range states hate [environmental] NGOs and unfortunately extremism always seems to help the adversary. If your government is being continually criticized, probably unjustifiably, by certain NGOs, even if some NGOs come up with good ideas you are going to be

According to several NGO and Secretariat sources, members of the Secretariat were instrumental in assisting to relieve the tension among the parties and NGOs negotiating the Lusaka Agreement. Their intervention contributed to a successful outcome. Unfortunately neither NGO nor Secretariat sources would permit me to discuss these negotiations further as tensions were still running high between some environmental NGOs and some governments.[23]

The CITES Secretariat remains wary of becoming involved in conflicts among parties, and between NGOs and parties for the same reason as the Ramsar Bureau. It is all to easy for a secretariat to get unfairly scapegoated by disgruntled stakeholders. The CITES Secretariat claims that it rarely initiates an intervention, that it waits to be asked by a stakeholder before it agrees to intervene. The organization then confirms that Secretariat intervention has been agreed by a majority of the stakeholders, and that the general terms of reference for Secretariat intervention have also been agreed by all interests.

Summary Of Problem Emergence in CITES

The institutional feature which distinguishes CITES from Ramsar and CCAMLR is that CITES is very clearly a high-politics issue-area. The convention is characterised by undercurrents of tension between the diverging philosophies of environmental preservation and economic development as it seeks to strike a difficult balance in implementing the largely theoretical concept of sustainable trade. Emotions run high in CITES with barely controlled conflicts among parties, and between parties and NGOs over the illegal and lucrative international trade amongst other things, ivory, tiger and rhino products, and most recently in tropical timbers and fish. North/South relations have undergone a metamorphosis since CITES entered into force in 1975. The producer states of the South have gained considerable influence in the treaty system, and now exert significant leverage

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suspicious about them. This is what happened with Lusaka [the 1994 Lusaka Agreement]"(Pers. Com. Sec.,1995).

[23]It seems that most non-state actors view Secretariat assistance with conflict management between NGOs and governments as helpful. The Secretariat is generally respected and trusted as an impartial intermediary by all stakeholders - government and non- government. In addition, the organization carries a degree of authority derived from its professional expertise, experience and its formal power of recommendation.

in CITES decision making. It is a volatile milieu in which the Secretariat has to operate.

Like most environmental treaty secretariats, the CITES Secretariat suffers from a chronic inadequacy of project funds, inadequate personnel, too little time and too much work. Relations with its parties are generally positive, bolstered by its formal powers of recommendation which are unique to the CITES Secretariat. Relations with UNEP, its partner organization, have always been difficult and in 1995 tension was at a peak over the issue of Common Services. Secretariat relations with some environmental NGOs have cooled following the 1989 leadership crisis which saw the dismissal of the Secretary-General, although relations with other environmental NGOs remain sound.

By all accounts the CITES Secretariat is unmistakably an activist Secretariat whose leverage in the treaty system is aided by its formal powers and the authority this bestows.

CASE STUDY 3: CCAMLR

Institutional Evolution

The origins and evolution of CCAMLR differ substantially from those of Ramsar and CITES. Ramsar and CITES developed primarily from environmental NGO concerns and actions, while the negotiation of CCAMLR was initiated directly by governments (the Antarctic Treaty Consultative Parties (ATCPs)) following reports of scientific studies expressing concern that unregulated fishing of Antarctic species (especially krill which form the basis of the Antarctic food web), could result in irreversible damage to the populations of other species in the Antarctic marine ecosystem (CCAMLR, Basic Docs. Preface,1993). Following a number of diplomatic and scientific conferences, negotiations for a treaty to conserve these marine resources were concluded in 1980 when 15 countries signed the Convention. CCAMLR entered into force on 7 April, 1982 and the CCAMLR Commission commenced operation in July, 1982. In 1995, there were 22 Member States and 7 Acceding States. Any State interested in research or harvesting in relation to the marine living resources covered by the

Convention can become a party to the Convention. The Australian Government is the depository for the Convention (CCAMLR, 1991:10).

Yet CCAMLR's geographical scope is not neatly defined by national boundaries. The perimeter of CCAMLR's application is chosen to approximate as closely as possible, the Antarctic convergence.[24] In practice CCAMLR's perimeter is rather irregular, the waters it covers are very remote and its implementation is extremely difficult to monitor and enforce.

The objective of CCAMLR is the conservation of Antarctic marine living resources with conservation defined to include rational use. The principles of the Convention embody what has been called the ecosystem approach to living resource conservation. It is this approach that sets CCAMLR apart from other marine resource management regimes.[25]

Although CCAMLR is an autonomous international convention, it is formally a part of the Antarctic Treaty System (ATS), a suite of international agreements of which the 1959 Antarctic Treaty (AT) is the centrepiece. In brief, the AT regulates relations among nations active in the Antarctic, prohibits military activity, and fosters cooperation, particularly in scientific research (CCAMLR, 1991)

Other legal instruments in the ATS include the 1972 Convention for the Conservation of Antarctic Seals (CCAS) which entered into force in 1978; and the 1993 Protocol on Environmental Protection to the Antarctic treaty (known

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[24]The Antarctic Convergence is a natural oceanographic boundary which is formed where the circulation of cold waters of the Antarctic oceans meet the warmer waters to the north. The Convergence forms an effective biological boundary: few species migrate beyond it. It is thus a natural boundary within which to manage the resources of the Antarctic oceans. The Convention therefore applies to the Antarctic marine living resources of the area south of 60 degrees South latitude and to the Antarctic marine living resources of the area between that latitude and the Antarctic Convergence which form part of the Antarctic marine ecosystem (CCAMLR Article1.1).

[25]Management of fishing in Antarctic waters, must not only aim to conserve the targeted species but take into account the impact of fishing on those animals that prey on and compete with targeted species. In its broadest interpretation, the Convention requires that management action should take account of the impact of activities on all living organisms in the Antarctic ecosystem or subsystems (CCAMLR 1991). Antarctic marine living resources means populations of fin fish, molluscs, crustaceans, and all other species of living organisms, including birds, found south of the Antarctic Convergence (CCAMLR Art.1.2). All Antarctic fauna is marine.

as the Madrid Protocol), which entered into force in January, 1998. A Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) was negotiated between 1982 and 1988, but did not enter into force, having been opposed by several ATCPs (US Department of State, 1994).

This complex network of relationships among the international agreements in the ATS and their parties is institutionally supported by the Scientific Committee on Antarctic Research (SCAR), and relations between SCAR and the ATCPs (Jorgensen-Dahl and Ostreng, 1991). SCAR's influence in the implementation of the ATS is largely attributable to its pivotal role in Antarctic science.[26]

CCAMLR also has a close working relationship with the 1935 International Convention for the Regulation of Whaling (ICRW) although it is outside the ATS. Other issues with which CCAMLR is directly linked relate to migratory species such as albatross and other sea birds which are increasingly, accidental by-catches of fisheries practices.

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[26] SCAR is a scientific committee of the International Council of Scientific Unions (ICSU) charged with the initiation, promotion, and coordination of scientific activity in the Antarctic, with a view to framing and reviewing scientific programs of circumpolar scope and significance (US Department of State, 1994:259). Among other activities, SCAR may provide scientific and technological advice to the Antarctic Treaty Consultative Meetings (ATCMs), or to other international organizations (both governmental and non-governmental). SCAR also keeps under review scientific matters pertaining to the integrity of the Antarctic environment, including the conservation of its terrestrial and marine ecosystems (SCAR Constitution, in US Department of State 1994: 259). The ATCPs, in acknowledging the priority of science in the implementation of the treaty, note that they "are fully committed to scientific research in Antarctica which has been effectively coordinated by SCAR since the 1950s" (Extract from Report of XVIth ATCM, Annex:30th anniversary of entry into force of the Antarctic Treaty, in US Department of State, 1994:17).

In the years preceding CCAMLR, the Scientific Committee on Antarctic Research (SCAR) had been influential in bringing to the attention of the ATCPs, its concerns about Antarctic ecosystem vulnerability, especially once distant-water fishing and experimental krill harvesting got underway in the 1960s and 970s. For example, by 1982, the commercial krill fishery of 500,000 tonnes annually was the largest crustacean fishery in the world. As conservation of krill is fundamental to the maintenance of the Antarctic marine ecosystem, the uncontrolled growth of the krill fishery could undermine the entire Antarctic marine ecosystem as it would be disastrous for krill predators which occur at all levels in the foodchain (CCAMLR 1991).

CCAMLR's administrative structure consists of the Commission, the Scientific Committee, and a permanent Secretariat which supports the work of the Commission and the Scientific Committee. See Appendix 3 for details.

The mandate and functions of the CCAMLR Secretariat as outlined in the text are extraordinarily brief in comparison with those of the Ramsar and CITES secretariats. CCAMLR merely states that the Executive Secretary and Secretariat shall perform the functions entrusted to them by the Commission (Article XVII, 3). Unlike Ramsar and CITES texts, there is no elaboration of Secretariat core tasks in the treaty text, although in the information booklet released by CCAMLR in 1991, it noted that function of the Secretariat is to support the work of the Commission and Scientific Committee, including the organization and support of meetings and programs, the operation of the Commission's data centre[27], and the production and distribution of its publications (CCAMLR, 1991).

As with other conventions, the core functions of the CCAMLR Secretariat have been supplemented by decisions, resolutions and recommendations taken in Commission meetings and based on advice from the Scientific Committee.

The Secretariat's relations with its members have also been strongly influenced by several factors: the impact of the Cold War; CCAMLR's institutional dependence on the AT; CCAMLR's "culture of exclusion" as a developed nations 'club'; what are usually called 'the divisions between Anglo-and non-Anglo interests' in the treaty system; the influence of scientists; and the inherently conflictual nature of CCAMLR's conservation-fisheries mandate[28]. These factors have been instrumental in shaping the

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[27]The CCAMLR Data Centre is the information hub of the convention whose success is heavily dependent on the collection and analysis of catch and ecosystem data and statistical data, much of it gathered using satellite and other sophisticated technology. In this context, the CCAMLR Secretariat maintains databases containing commercial catch and fishing effort data, information on the age and structure of commercially important species, data on birds and seals accidentally taken during fishing operations or found entangled in discarded fishing gear or other marine debris. This information is essential to the regulatory role of the Commission and is intended to provide a complete record of all commercial fishing activities conducted in Antarctic waters from the time data began to be assembled in the 1969/70 fishing season (CCAMLR, 1991:24).

[28]In the words of a delegate, CCAMLR is more akin to fisheries and whaling conventions than it

structure, functions and roles of the CCAMLR Secretariat and its relations with its parties and environmental NGOs. CCAMLR has no partner organization. See Appendix 3 for more detail on individual factors.

Most CCAMLR parties are also members of the AT. As more than one CCAMLR Secretariat member and delegate put it, CCAMLR deals with the scientific issues of the convention, while the political issues get 'kicked upstairs' to the AT. Historically, there have been ambiguities in the relationship between the AT and CCAMLR, examples being the attendance of CCAMLR at ATCM meetings and the management of human impacts on Antarctica.[29] The idea of CCAMLR representation at ATCMs emerged at a time when NGOs like Greenpeace were seeking representation as observers at treaty meetings. The ATCPs were concerned that CCAMLR's presence at the ATCM would set a precedent of external observers. Not only was CCAMLR not officially invited to attend treaty meetings, but the ATCM was not represented at CCAMLR meetings, and it was not clear which treaty was responsible for what issues. [30]

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is to other environmental treaties. It is a convention of contradictions (Pers.Com. delegate, 1995).

[29] "Although CCAMLR existed from 1982, it was not until about 1989 that it was officially represented in a treaty [ATCM] meeting. Even though there was no visible argument about it, the attitude was that there were so many of the CCAMLR delegates attending Treaty meetings, that CCAMLR was effectively represented as it were and there was an even overlap. They argued that CCAMLR did not need separate representation as it was already represented. It wasn't so much that these people were unofficially or informally in some way assuming a responsibility to represent CCAMLR, it was that the ATCPs didn't even invite representation from CCAMLR at their meetings.The Treaty system was just something that grew. No one at any time made any decision that there was a vehicle called an "Antarctic Treaty System"(ATS) and that CCAMLR was part of it. The branch office idea [of CCAMLR being a "branch office " of the AT] just evolved over time" (Pers. Com., Powell,1995).

[30]For example, "when as issue came up that somebody thought was a CCAMLR issue, such as marine pollution from the sinking of the Argentina vessel which poured oil all over the Antarctic peninsula, I, and others thought it was an issue that CCAMLR ought at least to be noting it in its report as we are supposed to be concerned with marine ecosystems. But it was treated very gently by the CCAMLR Commission and left as something that the treaty would deal with. This was picked up by CCAMLR because the Treaty parties' delegations thought that they had more control over what happened in the Treaty, and they weren't so sure how CCAMLR would handle it-even though they were members of both treaties. Another example is ozone, the depletion of the ozone layer and the possible impact of the subsequent increase in ultraviolet radiation on the marine ecosystem. The French got very upset that CCAMLR was even talking about it. They saw it as a Treaty issue and that it was not really CCAMLR's business I remember the French delegate getting quite heated at that thought. I couldn't think of any ulterior motive, he just decided it wasn't an issue".(Pers.Com.Powell, 1995).

Even though Cold War hostility and suspicion are diminishing, there appears to be a residual culture of 'them and us' in both the AT and CCAMLR. This attitude to has been transposed to CCAMLR's relations with countries external to the convention. It is particularly evident in CCAMLR's dealings with the UN.

In 1997, CCAMLR's political isolation from the UN system has effectively insulated it (and its Secretariat) from the changes in North-South politics experienced by CITES and Ramsar. However, the discovery of large stocks of the Patagonian Toothfish in CCAMLR waters may change this. The Toothfish (about which very little is known biologically), brings premium prices in the luxury food markets of Japan, the USA and Europe. I believe that it will not be long before pressure is brought to bear to widen the membership of CCAMLR to facilitate developing country access to fish stocks in CCAMLR waters, even though the use of sophisticated fish tracking technology and the lack of species-specific biological knowledge, make the species vulnerable to overfishing.

CCAMLR is characterized by what I term a "culture of exclusion". It shares the AT resistance to any notion of inclusion in the United Nations system, so that CCAMLR, unlike Ramsar and CITES, exists outside the UN system. It also differs from CITES and Ramar in that it has no partner organization(s), and its formal relations with environmental NGOs are at best, strained. Typical of its culture of exclusion, is its very restrictive policy on the attendance of observers at meetings as discussed in Chapter 1. CCAMLR's policy of exclusion contrasts with the approaches adopted by Ramsar and CITES which encourage the inclusion of potentially disruptive or non-compliant nations on the basis that membership of the convention is the only way that illegal activities might possibly be contained. CCAMLR cannot take action against non-members. [31]

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[31] CCAMLR's effectiveness was sorely tested in 1997 by illegal fishing for Toothfish in the Southern Ocean and the pressure exerted by legitimate fishing interests on their national governments for the poachers to be prosecuted. Australia apprehended and then escorted two illegally fishing, foreign-flagged vessels back to Australia. where they were prosecuted for illegal fishing. The vessels were caught fishing for Toothfish in Australia's sub-Antarctic waters. The ships' masters faced catch and vessel confiscations and large financial penalties. This apprehension took place the week before CCAMLR nations were scheduled to meet in Australia for their annual CoP in November, 1997. It was then held up as challenge to other

According to Powell, the main problem of implementing CCAMLR initially was that it had been negotiated by the delegates to the AT meetings (diplomats and foreign affairs personnel) acting as individuals, not as representatives of the countries which were involved in the negotiation of the treaty. Immediately the convention came into force, many of these negotiators stepped back and allowed the fisheries ministries to take over the role of representing the country in the CCAMLR meeting (Pers. Com. Powell, 1995).

The problems caused by this change of personnel from the diplomats and lawyers involved in the negotiation stage, to the fisheries scientists and technocrats responsible for global and national implementation in the long-term, are very similar to those experienced by Ramsar. In CCAMLR's case it is argued by Powell and long-serving CCAMLR scientists and delegates, that the conservation ethos inherited from the AT was submerged by the emergence of fishing as the dominant CCAMLR ethos.[32]

The other key feature of CCAMLR and one which has significantly affected the Secretariat's roles and functions, is the influence of science and scientists. Antarctic science has remained a driving force behind CCAMLR, supporting its value as an international agreement even when its effectiveness and continuation have been questioned. As suggested by a number scientists, relationships among CCAMLR members largely revolve around relationships among individual scientists. Several delegates and scientists commented that CCAMLR has been very much a "Cambridge old boys club", national representatives being predominantly associated with Scott Polar, the British Antarctic research center.[33]

CCAMLR countries to take similar action against illegal fishing in CCAMLR waters and the national waters of countries with sub-Antarctic and Antarctic territory.

[32] When CCAMLR came into force, fisheries ministries in the large fishing nations, the USSR,France, West Germany, East Germany and Japan became involved. Of the 23 countries in CCAMLR, Secretariat personnel advise that there is a small core of active members. These countries take the lead and the other countries follow. Japan, Korea Russia are regarded as the major pro-fishing bloc, with Australia, the USA and New Zealand taking the conservation lead.

[33] In the somewhat cynical opinion of one scientist, "in the early days, CCAMLR was of full of difficult people and personalities who were Antarctic biologists and diplomats with little experience in fisheries management---CCAMLR was the Holy Grail for bird and seal biologists,

CCAMLR science is not without its difficulties. The fisheries/conservation tension inherent in CCAMLR parallels the development/conservation tensions experienced by Ramsar and CITES. CCAMLR emerged from the conservation concerns of scientists involved with the AT (Pers.Com. Powell, 1995). Subsequent international recognition of the potential economic value of Southern Ocean fisheries such as krill and more recently the Toothfish, have inevitably provoked tensions between fisheries and conservation interests in CCAMLR. The compromise has been the CCAMLR ecosystem monitoring system. However, ongoing conflict periodically peaks on issues such as the incidental bycatch of seabirds and the seemingly excessive exploitation of an uncharted fishery, the Patagonian Toothfish.

Scientists have retained their dominant influence in CCAMLR and tension between the political and the scientific objectives of the convention continues. Managing this tension constructively is a major role for the Secretariat. The relative lack of scientific knowledge about the nature, size and sustainability of fisheries in the CCAMLR region almost guarantees that scientific discovery and management advice will continue to drive CCAMLR. However, as has happened with the science of global warming and the FCCC, politics is rapidly overtaking science in CCAMLR, although more slowly in CCAMLR's case because of the low-politics nature of the issue-area. This could change as illegal fishing of the lucrative Toothfish stocks gains media prominence, in which case the Commission's apparent inability to enforce the convention (including the lack of political will to do so by some members), may raise CCAMLR's international profile and bring it into conflict with other treaty systems such as those of UNCLOS. Even with political commitment, the remoteness of the region poses real enforcement difficulties for CCAMLR nations. It would not be surprising if in spite of scientific disquiet about the mismanagement and exploitation of yet another global fishery, the Patagonian Toothfish disappears before CCAMLR members agree on what action to take.

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and the public drawing power of these fauna was the political reason for it to continue. In fact CCAMLR started with the wrong group of people, the AT crew, except for the Japanese and USSR fisheries people. They [AT delegates] were good negotiators but had no fisheries management experience and they were up against the hard nosed USSR fisheries folk" (Pers. Com. Scientist, 1995).

Finally, divisions among CCAMLR members are not only along conservation/fisheries lines but also along Anglo-Saxon/non-Anglo-Saxon lines. English is the dominant language of the convention and the international language of science. Non-Anglo members and scientists understandably feel excluded by the Anglo dominance of both CCAMLR politics and science.

Collectively, these factors paint a picture of a rather closed treaty system whose residual paranoia from Cold War days has spilled over, or is a convenient excuse for, the maintenance of the CCAMLR culture as described. My assessment of the interdependent and cumulative impact of these factors on CCAMLR and thus on its Secretariat is: First, CCAMLR remains significantly intertwined with the AT, politically and scientifically. In fact it is arguably politically subservient to the AT. Second, the pervasive influence of Cold War mistrust among members of the AT, and its "culture of exclusion" has spilled over into the operations of the CCAMLR Secretariat as a distinctly passive organization which is very much a servant of the parties. Third, although the conservation ethos of the AT strongly influenced the evolution of CCAMLR science, CCAMLR's focus has now ostensibly shifted from ecosystem conservation to fisheries management.

The institutional culture of CCAMLR thus contrasts sharply with the transparency of CITES and Ramsar and their relative informality. Both Ramsar and CITES admit observers to meetings; encourage developing country membership; directly assist developing countries with capacity building; are generally far more accessible than CCAMLR; and are certainly less suspicious of 'outsiders'. The Ramsar and CITES Secretariats and personnel were also much more helpful in facilitating researcher access to information. For example, the executive head of CCAMLR was the only one of 10 executive heads, past and present, and the only one of 100 interviewees, who refused permission for me to tape the interview.

In my opinion, CCAMLR's institutional and political subservience to the AT, an apparent lack of political commitment by key nations to the conservation goals of the convention, the complexity and interdependence of science and policy, coupled with an organizationally weak and passive Secretariat does

not auger well for a successful outcome for CCAMLR in terms of the convention achieving its objectives .

POLITICAL CONSTRAINTS
Relations with Members

From the limited information I was able to obtain, I suggest that many of the problems experienced by the CCAMLR Secretariat are derived from the political and institutional factors outlined above and the organization's passivity, which may, or may not, be attributable to the influence of these intense political factors. The Secretariat has not always been regarded as a passive organization. I suggest that the organization may well have changed from a more activist mode of operation under the leadership of the inaugural Executive Secretary, Darry Powell, to its present distinctly passive form after the current Executive Secretary, Estaban de Salas, took office. However, I have insufficient evidence to substantiate this suggestion.

From the evidence available, CCAMLR members' unequivocally view their secretariat as the 'servant of the parties'. They keep it starved of resources; give it little scope to demonstrate initiative even in areas where it clearly has a formal mandate such as data management and monitoring compliance; and the organization is caught in a pincer movement between the science and the politics of the convention.

Data management is a legitimate task which an activist Secretariat might have used to better effect than the CCAMLR Secretariat seems to have done. The CCAMLR Secretariat has certainly been responsive to parties requirements and needs (Pers.Coms Delegates, Scientists, 1995). While the secretariat has a formal mandate as data manager of the convention and undertakes the requisite data collection and analysis, it appears to approach this role in a mechanistic rather than an entrepreneurial way. Unlike the CITES Secretariat, the CCAMLR Secretariat rarely seems to have demonstrated a proactive approach to data management initiatives, and where these have occurred they have been the instigated by specific individuals in the organization such as the former Data Manager.

Inspection, observation and reporting as the main components of CCAMLR's compliance strategy are areas of activity where an activist secretariat might seek to influence both processes and outcomes. In CCAMLR's case, greater Secretariat involvement in monitoring inspection and observation in pursuit of compliance, might enhance the convention's credibility as an international agreement with 'teeth', and thus its the chances of success.

To ensure compliance with conservation measures, general principles for an observation and inspection system are set down in the convention and procedures for on-board inspection have been in place since the 1989/90 fishing season.[34] Governments have taken up the CCAMLR observation and inspection system to differing degrees. In-country political factors, including a lack of political commitment and the inadequacy of domestic infrastructure are the primary implementation and compliance problems confronting CCAMLR. It seems that up to 1990, the Secretariat tried to encourage countries to be more enthusiastic about enforcement, but without much success, so the Secretariat introduced a report outlining the measures (or lack of measures) each country had or had not taken before each annual meeting. The countries were named in the document. The former Executive Secretary commented,

> the parties were very uncomfortable, and it was probably the most significant accountability document that we ever had. In subsequent years we introduced an implementation report which detailed the measures that each country should take back home after each meeting, to include in their domestic law in order to implement CCAMLR. Generally the response was unsatisfactory (Pers. Com. Powell, 1995).

The naming of countries in the Secretariat's annual infractions report has now been discontinued, although the Secretariat still submits an incident report (Pers Com. Sec.1995).

In more recent times, the Secretariat has also been asked by the Commission to make comparisons of national education and compliance systems and to suggest the most appropriate system for CCAMLR implementation.

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[34]The CCAMLR System of Inspection is nationally operated. Inspectors are appointed by and report to their governments which in turn report to the Commission. Inspections may be carries out by an inspector from one outcry on fishing or research vessels of other countries. Prosecutions or the imposition of sanctions for violations of measures adopted by the Commission are the responsibility of the flag state of the offending vessel and are reported via the Secretariat to the Commission (CCAMLR,1991).

In the observation and inspection process, the Secretariat acts as a traffic warden, guiding the information and paper flow. However, the Executive Secretary can speed up the reporting system, and use the Secretariat's experience to help countries sort out 'grey areas'. When a country gives information regarding infractions to the Secretariat these are then forwarded to the flag state and to SCOI. The Executive Secretary introduces the issue of infractions at Commission meetings, and the country may be named. For example, Uruguay told the Commission about infractions by a Panamanian vessel. However, infractions are rare, 2 cases in 2 years (Pers. Com.Sec.1995).

Infractions are dealt with in-country.[35] It is up to the individual countries to fine offenders and the Executive Secretary is not able to follow up countries directly. For example he cannot ask Korea directly about possible violations, but Korea can be asked by a member country in SCOI.[36]

Throughout CCAMLR decision making, and particularly in the area of enforcement, pressure for compromise is great. There has been no case where agreement has not been reached, but brinksmanship is considerable. Legally there is a 180 day objection process for a country to object, although it has never been used except on technical matters such as when a country is unable to report in the time allowed and requests additional time. I was unable to obtain evidence to confirm that the Secretariat played an active role in problem-solving in the area of achieving compliance or in managing

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[35] For example, country A inspects country B's vessels; A then reports to B, and to CCAMLR. If infractions are noted, B is expected to institute procedures for non-compliance against its own nationals. These bilateral arrangements for inspections are usually made between countries with comfortable relations, which begs the question of the objectivity and value of the reports in a world of compromises and trade offs

[36] Illegal fishing and enforcement are major problems for CCAMLR, not the least of which is defining 'fishing'. Vessels actually have to be caught in the act of 'fishing', but there is no agreed definition of 'fishing' in the convention. Does a vessel have to be caught hauling in catch? or, is it enough to have gear set, or even gear hauled but wet? Vessels caught illegally 'fishing' deploy all manner of tricks and arguments in their defence to avoid being convicted of an infraction. As one delegate noted, Chile was having trouble enforcing CCAMLR as it was argued by the defence that tampering with evidence was not a breach of CCAMLR's conservation measures per. se., and it was the breach (not the tampering) that had to be proven if the vessel was to be found in breach of CCAMLR (Pers. Com. Delegate 1995). It is the opinion of the Secretariat that the definition of 'fishing' will be resolved in the context of a higher UN formal system such as UNCLOS which is superior to CCAMLR in international law (Pers.Com.Sec.1995).

tensions and conflicts that inevitably arise as a result of brinkmanship. This contrasts with the CITES Secretariat which makes a distinctly positive contribution towards facilitating problem-solving to achieve compliance.

Another difficulty confronting the Secretariat is that in spite of the professional credentials of the Secretariat's boundary-spanning personnel, they seem be regarded as 'second-rate' scientists by their peers external to the Secretariat, the majority of whom are also employed by public sector organizations such as government agencies and academic institutions. These 'external' scientists appear to have an elitist view of the value of their own contributions to CCAMLR science relative to what they assume to be the outputs of the Secretariat scientists (Pers. Coms. Scientists, NGOs, Sec.,1995). Many of the (national) scientists I interviewed appeared to lack an appreciation of the breadth, complexity and extent of the work undertaken by the (under-resourced) Secretariat personnel, regarding them somewhat disparagingly as civil servants rather than scientists. Curiously, these national scientists also seemed to have overlooked that fact that they, too, were civil servants.

The overt political pincer exerting pressure on the Secretariat is represented by the Commission for whom the Secretariat is very much a servant. The Commission does not appear to have recognized the potential influence of the Secretariat in its performance of core tasks such as: agenda preparation and prioritization; acting as rapporteurs of meetings; drafting documents and preparing reports; data analysis and interpretation; and the provision of briefings to the Chair of the Commission and national delegates. Had the Secretariat been an activist organization it may have been able to use these core tasks to exert more influence than it has on members and so counter some of the political pressures it faces.

While the organizational risks of a more entrepreneurial approach to task performance are acknowledged, the lack of success of CCAMLR as a convention to conserve marine living resources is hard to overlook. In these circumstances the convention needs policy leadership and I would argue that the Secretariat is well placed at the nexus of CCAMLR science and policy to provide the necessary policy guidance - even leadership. Many of its officials

including the executive head, are scientists with extensive international and national policy experience and networks. Their science and policy knowledge, expertise and skills are a significant organizational resource and an asset to the convention and should be formally recognized as such. That this does not seem to have occurred is not just the responsibility of the members. It is also up to the Secretariat to raise its profile with the parties and make them aware of the extent of its expertise and experience as the network manager of the system, and the contribution it could make to implementation success.

Changes in National Governments

Two key in-country problems identified by the CCAMLR Secretariat are: the education of citizens of member states who fish in CCAMLR waters; and, the in-country handling of infractions. The management of both issues varies considerably among convention members.

As the former Secretary-General noted, the Secretariat's suggestions for how a country might handle education and enforcement domestically rarely translated into action[37] and no country ever sought assistance from the Secretariat nor consulted it on observation and inspection issues (Pers. Com. Sec., Powell, 1995).

Since then, suggestions such as practical fishing techniques to minimize albatross as long line by-catch have been made by independent scientists and promoted by CCAMLR and the Secretariat to mixed effect. Some countries are insisting that their nationals comply. Others have paid scant attention to the recommendations. The problem of monitoring and achieving the compliance of reflagged vessels remains.

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[37] In his opinion, the closest the Secretariat came was when the Data Manager and he went to Moscow in the mid-1980s to talk with them about data collection and the submission of fishing data. They aimed to get some indication of how much data was collected by the USSR, how it was stored, to understand their processes and how difficult or easy it might be for them to submit that data. The mission was not regarded as sucessful as the USSR did not want to reduce or cease fishing In contrast, in the 1980s all USA citizens those who applied for a permit to fish for crabs in CCAMLR waters had to go to Washington, DC for a CCAMLR training course. However, the Secretariat was more worried about compliance by the Russians and Japanese Pers. Com. Powell, 1995).

Changes in national governments and bureaucracies have been less of a problem for CCAMLR than for Ramsar and CITES. Until 1995, CCAMLR delegates and bureaucrats at the national and international levels were relatively stable, and everybody knew everybody else. CCAMLR has operated as the 'developed-country club' that its critics claim it is, reinforced by what Haas (1990) might describe as an epistemic community of Antarctic scientists[38]. The generation of bureaucrats and scientists which helped create and shape CCAMLR, is now fast approaching retirement. Gaps are starting to appear in their ranks and changes in roles and jobs in national bureaucracies are starting to occur. As one Secretariat member said, "You can't rely on people being around long-term any more" (Pers. Com. Sec. 1995).

Long-term delegates and scientists (the majority of whom are also bureaucrats), have considerable influence. Their scientific expertise constitutes the backbone of the convention; they are politically knowledgeable and experienced in working with international agreements; they have well developed formal and informal networks; and they comprise a significant portion of the institutional memory of the treaty system. If, as suggested, a general exodus of a generation of CCAMLR expertise may be pending, then CCAMLR as a convention will face institutional memory problems similar to those confronting Ramsar and CITES. The CCAMLR Secretariat has made no provision for succession planning (Pers.Com.Sec,1995). but it does not seem particularly concerned about anticipating and planning for the potentially negative impacts of these changes on the organization. As a passive organization it responds to problems if and when they occur.

Relations with other IOs

The CCAMLR Secretariat acknowledges good relations with the IWC Secretariat and the Secretariats of other fisheries' conventions and IOs including those of the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Convention for the Conservation of Southern Bluefin Tuna (CCSBT), and FAO. This networking is considered very important, perhaps because of the geographical isolation of the CCAMLR

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[38] Epistemic communities and communities of common interests are examined in Chapter 7.

Secretariat from what it sees as the 'action' of the Northern Hemisphere. From the Secretariat's point of view, IO relationships consist predominantly of data and information exchange. There is no resource sharing, although representatives of IWC and CCSBT attend CCAMLR meetings, and the CCAMLR Executive Secretary represents CCAMLR at FAO and IWC meetings.

Relations with NGOs

CCAMLR members and environmental NGOs have had an uneasy and at times hostile relationship since CCAMLR entered into force. Relations with fishing industry organizations seem to have been relatively trouble free. Environmental NGOs such as Greenpeace brought with them into CCAMLR, a history of adversarial politics and campaigns from their battles to conserve whales in the IWC. Greenpeace is represented at CCAMLR by the umbrella, international environmental NGO, ASOC (Antarctic and Southern Ocean Coalition).

As noted previously, CCAMLR has a history of confrontation with and exclusion of, environmental NGOs from its decision making, although IUCN (as a nature conservation IGO), and ASOC attend CCAMLR meetings as formal observers and participate in some Working Groups. It was this minimal NGO participation that caused a senior Secretariat official to remark that "conflicts with NGOs do not happen in CCAMLR because NGOs are included in working groups" (Pers. Com. Sec., 1995). In the same vein, a scientist commented that CCAMLR was not major battleground for NGOs, as "fish treaties are not glamorous" and "nobody comes for krill"(Pers. Com. Scientist, 1995).

These comments seem to fly in the face of history and the relative absence of conflicts is more likely to be due to the lack of fishing in CCAMLR waters following the collapse of the krill fishery and the withdrawal of former USSR vessels as a major fisheries presence in the region. However, the increase in illegal fishing of the Patagonian Toothfish in 1997 may well re-ignite environmental NGO concerns about the lack of success of CCAMLR's ecosystem management model following as it does on the heels of the

incidental by-catch issue. It is also likely to fuel legitimate fishing industry concerns about the loss of potential profits to unregulated poachers.

Until 1992, Secretariat's approach to working with environmental NGOs was described by the former Executive Secretary as follows,

> If I got a telephone call from an NGO I would talk to them and answer their questions up to a level that I thought was confidential. There was very little confidential stuff as everything has been discussed and decided at the meetings and put in the Commission's Report. I did not, however, describe which countries took a particular view on a matter, for example, which country opposed the admission of observers. If an NGO asked how I thought they should handle a problem, I would make suggestions to them how they could handle it and how to make more progress with Commission members. I would set up meetings with the Chairman for them, then discuss with the Chairman before they came, how the he might handle the meeting. Generally, I thought that the NGOs were useful to have around, and there was no future at all in confrontation with them. Issues such as the distribution of documents and the leaking documents both in the region and outside the region, have been debated among members, but they have never directly addressed the issue of NGO-Secretariat relations (Pers. Com, Powell, 1995).

This description contrasts with the information I was able to extract from Secretariat personnel in 1995 which indicated that Secretariat relations with environmental NGOs have been more restrained since 1992 and appear to be actively discouraged by the current executive head.

In terms of specific Secretariat interactions with NGOs, there are formal and informal interactions between the Secretariat and NGOs. The Secretariat's relations with ASOC are formally sanctioned in the text, and its relations with Greenpeace are informal and even covert. In 1995 ASOC was the umbrella organisation for over 172 organizations in 35 countries. Although the Secretariat does not have a formal relationship with Greenpeace, a former Secretariat official noted that: Greenpeace submitted accurate scientific reports to the Secretariat including its Gwandaland cruise report and a report on Southern Atlantic fishing; a lot of useful data from Greenpeace investigations goes to the Scientific Committee; and Greenpeace data is used by individual delegations (Pers.Com.Sec.1995).

Difficulties of access to CCAMLR data is a frequent criticism of the convention and the Secretariat by environmental NGOs. ASOC can get data if it is not 'reserved information'. Other NGOs get information by going through their

own governments. Their request for data and information is then put to the Commission by their government. (Pers.Com. Sec., 1995). While Australia, New Zealand and the USA have NGO representatives on their delegations (which facilitates their access to data), not all countries assist NGO access to CCAMLR data. Even ASOC's presence at meetings poses a problem for some members as Greenpeace is a member of ASOC and several countries particularly fishing nations, are vehemently opposed to Greenpeace.[39] In situations such as this, the Secretariat remains passive, supports formal interactions between NGOs and governments, and discourages the less formal interactions between Secretariat personnel and NGOs of Powell's day.

Financial Constraints

The CCAMLR Commission operates on an annual budget. Each member contributes to the budget. Contributions consist of two components. One is calculated according the levels of exploitation of marine living resources and is paid by those Members harvesting above a certain threshold. The remainder of the budget, after subtracting the first component, is divided equally among the Members irrespective of GDP. In 1991, the contribution of a non-harvesting Member was around $AUD 45,000. The threshold has been set so as not to penalise exploratory fishing and not to discourage research on the fisheries (CCAMLR 1991:23). No individual country is required to pay more than 25%, and the contribution per country averages approx $AUD 40-50,000 per annum. It is not an expensive treaty to finance.

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[39]The tight restrictions on the attendance and participation of observers of any kind and interactions with NGOs make CCAMLR very different from most environmental treaties. CCAMLR members' opposition to Greenpeace and others becoming observers, particiupating meetings and obtaining access to data, goes back to the early days of the IWC. The whaling nations argued that the trust established among whaling and non-whaling member nations in the IWC had been virtually destroyed by NGO and Greenpeace activism.

the IWC experience really influenced CCAMLR enormously, especially the Russians and the Japanese. The Japanese, as a whaling nation, believed they had bent over backwards to gather and present data to the IWC which, they understood, was to be used in a scientific manner as the basis for decision making. So they [the IWC] assigned the information to a committee to deliberate and provide advice to the IWC. However, a decision was taken on the basis of political and social factors rather than on the basis of the scientific deliberations. Japan regarded this as very poor form. They saw the whole exercise used against them and they believed it was initiated and propagated by NGOs, so they didn't want the same thing to happen in CCAMLR (Pers. Coms. Powell, Sec., 1995).

Budget decisions are by consensus, and each member is responsible for its own expenses arising from attendance at meetings of the Commission and the Scientific Committee (Article XIX). The formula for calculating Members' contributions is currently under review. The intention was to bring it in line with the UN scale of assessments. This move was, however, rejected in 1996 (CCAMLR XIV:3.27). It seems that on many occasions, CCAMLR members resent any semblance of parity with the UN, however symbolic, although they have aligned the salary and employment conditions of Secretariat personnel with those of the ICS.

For the CCAMLR Secretariat, working within its budget is a significant problem.[40] The Secretariat 's financial resources are very limited. In 1995, the Secretariat's budget was $A950,100. In 1996 it was the same. In 1997 the organization's budget increased to $A1,031,500, and in 1998 the forecast budget was $A1,064,000. In each year Secretariat salaries and allowances comprised over $A600, 000 - well over 50% of the total allocation for Secretariat costs. Data management remained a separate line item, as did Meetings and publications (CCAMLR XV, Appendix 11). In Ramsar, there is no provision for meetings, although publications are a line item in the Bureau's budget.

In fact if you index the cost of living, the Secretariat's budget is the same as it was 13 years ago (Pers.Com.Sec,1995). The Secretariat argues that it has compensated for resource scarcity by getting more efficient. Using computers and modern technology, the Secretariat's use of information is more efficient and it has a greater capacity for data analysis. It is, however, a Catch 22 situation as stakeholder access to the data base has led to an increased demand for data and information from the Secretariat. (Pers.Com.Sec.1995). In addition, the chronic budget shortage makes it hard for the Secretariat to implement the more expensive technological changes the convention requires such as a VMS (Vessel Monitoring System) (Pers. Com, Delegate, 1995). It has been proposed that the VMS will be located in the Secretariat as a neutral institutional base.

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[40] CCAMLR runs on such a tight budget that it was not financially equipped to pay out the retirement package for the former Executive Secretary, in the same way that the CITES Secretariat and UNEP had not budgeted for the unexpected departure of its former Secretary-General (Pers.Com.Delegate,1995). In both cases this caused some embarrassment among the parties and a rapid calling in of outstanding dues.

The CCAMLR Secretariat was established soon after UNESCO was held up as an example of mismanagement in international organizations (Wells, 1986; Ghebali, 1986).These revelations adversely affected CCAMLR's members perceptions of the roles and organizational requirements of their newly established IO. According to the former Executive Secretary,

> Members were all going through a Thatcherism period of zero growth in budgets and discussions were quite protracted as we argued about $3 or $4. [This level of debate on the nitty gritty of financial trivia continues]. They [Commission] emphasised that there would be no growth in Secretariat budgets, and right through the ten years of my [Powell's] leadership of the Secretariat (1982-1992), the Secretariat budget remained below the inflation level, yet the organization did everything the Commission required it to do. There certainly weren't any free rides. Staff were not taken overseas to workshops, translators were hired from local people; and local Hobart administrative and secretarial staff were employed. Translators have been an ongoing problem. Finding the range and quality of translators needed in Tasmania is impossible and they are also a costly budget item (Pers. Com Powell,1995).

While the current executive head claimed that securing national contributions was not a problem, Powell said he had made it a personal goal to make sure that countries paid their contributions. His tactics were very similar to those of the executive heads of Ramsar and CITES who also made contribution-chasing a personal crusade.

The Secretariat's Administrative Officer commented that collection of the members' annual payments takes time and much persuasion. It is further complicated as different countries have different budget years. CCAMLR payments are due on 1 January each year. If payments are late, the Secretariat reports it to the Commission meeting in November each year. Countries which are late paying are not actually named by the Secretariat or Commission in the meeting, though late payments or failure to pay are officially acknowledged publicly by the party itself in the meeting as Brazil did when it had a hung parliament and could not pay (Pers.Com.Sec.,1995).

In a rule unique to CCAMLR, if a member's payments are 2 years late it cannot take part in decision making. It can participate in meetings and receive publications, but it cannot join in decision making. This has never actually happened although countries have come close to being excluded from

decision making. It is a diplomatic incentive to be 'part of the club' (Pers.Com.Sec.1995).

Unlike Ramsar and CITES, the CCAMLR Secretariat is not engaged directly in seeking external or additional funding, although limited project sharing occurs with organizations such as SCAR. Special contributions have been received from individual countries for specific purposes. Norway gave additional monies at the outset to encourage non-parties to join. More recently, the Australian Antarctic Foundation gave money for a report prepared by an Australian national to be translated into Spanish. The report detailed practical ways to mitigate seabird mortalities. It is also possible that other contributions may be forthcoming (from the USA) for specific projects such as translations and the cost of installing a VMS unit on each vessel fishing in CCAMLR waters (Pers. Com. Sec.,1995).

CCAMLR differs from most environmental treaties in that it has a greater proportion of countries that can afford to pay their contributions. It does not have developing country members with low GDPs, and the huge costs of scientific research in Antarctic and the technologically sophisticated vessels required to fish in such dangerous seas mean that fishing in CCAMLR-controlled areas is very costly. Only wealthy countries can afford to be members of CCAMLR, hence its reputation as a developed-world club.

Financial starvation of the Secretariat seems to be the members' creed. They seem oblivious of the potential value to the convention of a more activist secretariat with a sound resource base. Alternatively, they are determined to maintain the secretariat as a passive servant of the parties. A negative impact of this passive Secretariat role is that CCAMLR is unlikely to be successful in achieving its objectives as the Secretariat has primary responsibility for the critical convention functions of data management and monitoring compliance. In fairness to the CCAMLR members it must also be noted that the Secretariat and its current leadership do not appear to be in a hurry to change from a passive stance to an activist one.

Organizational Capacity And Management Constraints

Information on current organizational constraints was difficult to obtain as the Executive Secretary declined to answer questions on organizational constraints, responding "Let's just say the work gets done on a tightrope" (Pers.Com. Sec.1995). In contrast, the former Executive Secretary was eager to talk about the challenges and frustrations he had experienced. For the inaugural Executive Secretary, the biggest challenge was actually working out what the job was, how to do it and then get on with it. However, both he and the present Executive Secretary agreed that "the secretariat *is* CCAMLR" (Pers.Coms.1995).

The CCAMLR Secretariat under Powell went through period of expansion from 1982 to 1992 as the Secretariat was getting established. The major problem facing the CCAMLR Secretariat today is one of limited resources. It has to work to maintain its credibility and to be seen as an active fish-management organization (Pers.Com.Sec.1995) but its budget, its personnel, their workloads and their time are stretched to the limit. This is unrealistic if the Commission expects the organization to be proactive and take a lead role in monitoring the recent spate of illegal fishing for Toothfish.

Personnel Issues

In 1996, the Secretariat had 4 professional staff and approximately 17 support staff (fulltime and parttime) including an administrative officer, clerical staff and translators (French, Spanish and Russian), 5 fewer clerical support staff than when it started in 1982, in spite of a significant increase in the demand for CCAMLR documentation and publications (Pers.Com.Sec.,1995). According to one national delegate, because of the parties' continuing opposition to Secretariat requests to increase its budget and personnel establishment, the Secretariat has remained small. This limits its organizational capacity to be innovative and to move things forward. The Secretariat puts up a budget each year and the Commission's reaction is always very negative when the organization requests extra money, for example, for a receptionist. Like any public service, the Secretariat is always looking to see where can cut costs, but it has got to a point where cost cutting is eroding efficiency (Pers.Com. Delegate, 1995).

The majority of the professional personnel, including the executive head, Scientific Officer and Data Manager have fisheries backgrounds with an 'environmental ecosystem outlook'. In fact, the CCAMLR Secretariat is more like a traditional fisheries secretariat than a conservation secretariat and the first priority of the convention and the Secretariat is fisheries management, then conservation (Pers.Com.Sec.1995). This reflects the philosophical divide between environmental conservation and fisheries development mentioned earlier, and helps explain criticism of the Secretariat by some environmental NGOs. These organizations claim that CCAMLR has failed to achieve its conservation objectives, and that the Secretariat is not as assertive as it could be in promoting conservation, rather than fishing objectives (Pers.Coms. Humane Society, 1995).

The Secretariat's organizational credentials rest on its scientific expertise. The organization needs professional personnel with both fisheries and ecosystem expertise for data management and analysis. "The difficulty is, how to recruit and retain top scientific people and the best technology, and be on the ball at the bottom of the world" (Pers.Com.Sec.1995). The location of the CCAMLR Secretariat means that for many of the younger scientists, time spent in the CCAMLR Secretariat is time out of the European and Northern Hemisphere career loop and they are concerned that this may adversely prejudice their careers. It was for this reason that the former, highly-respected Data Manager resigned.

Relations between Secretariat personnel and the Scientific Committee can also be a problem in that the Scientific Committee is still an "old boys network" whose members are used to long-term scientific research. In contrast, the [political and economic] demands are now for shorter-term research projects which the Committee is resisting on the grounds that these changes impact negatively on research quality (Pers. Com.Sec.1995). This tension creates problems for Secretariat personnel in trying to communicate these changes to external scientists and reconcile the scientific and political objectives. Secretariat personnel understand the scientific arguments, but they are also more cognisant of the political realities than many scientists.

In other respects, the scientific expertise of Secretariat personnel helps the organization to be proactive in its relations with the Scientific Committee and the Commission. The Secretariat put together the standards for ecosystem monitoring, and it prepared the first draft of the ecosystems monitoring paper. The Commission accepted it and acted on it, although the Secretariat's contribution was not formally acknowledged (Pers. Com.Sec.1995).

On the positive side, the value and significance of the institutional memory of the Secretariat is at last being recognized, especially now that changes are coming with a generation of CCAMLR and AT scientists approaching retirement. When problems of continuity of expertise and knowledge are experienced in the Committee or the Commission, parties now fall back on the Secretariat for advice and guidance (Pers. Com.Sec.,1995). It has taken time for the Secretariat to build trust with its stakeholders and develop its organizational credibility. After all, the CCAMLR Secretariat was only established in 1982 and for several years had little to focus its attention on as the krill fishery did not develop as anticipated. In the words of a former Secretariat member,

> I think an organization has to exist for about 3 years before it settles into a state where it has a problem to solve. Having to solve a problem gets them working together. They have to decide something so the organization feels like it has made a decision and is moving ahead. The precautionary catch limit was the problem that got CCAMLR's ecosystem monitoring underway and gave the Secretariat a major role (Pers. Com. Sec.1995).

Translation costs and resources, and the organization's translating capacity are significant organizational constraints. CCAMLR translators and interpreters must have the skill and experience to deal with scientific jargon. There are 4 official languages. It is important that they are seen as having equal status and that the Secretariat has an ongoing capacity to deal equally with each language. However, there remains the problem getting suitable translators and interpreters in Tasmania.

Another more unusual problem is that the bulk of CCAMLR meeting work is done in 2 weeks of the year at the Commission and Committee meetings in Hobart. This uneven workload for translators means that the Secretariat tries to recruit translators who can be used intersessionally for other tasks such as

data processing. In 1995, the Secretariat had a sufficient quantity of translators and interpreters 'in-house' to respond immediately to parties' requests, though this in turn decreased amount of time they could spend on other matters including data processing (Pers.Com.Sec.1995).

It is therefore of concern that the already stretched resources of the Secretariat will become stressed to the point of dysfunction if CCAMLR decides to increase its monitoring capacity to take action against the illegal fishing of Toothfish. As the delegates mentioned, the CCAMLR members' preoccupation with cost efficiencies is now eroding organizational effectiveness.

Data Management and Technology

The Secretariat monitors compliance by analysing the convention's catch and ecosystem data and the national and NGO reports received, and the onus is on the Secretariat to shut fishing down when the catch limit is reached (Pers.Com.Sec.1995). Contrary to original predictions by stakeholders that the Secretariat would be required to process vast amounts of data as the Southern Ocean fisheries of krill, crabs and finfish came on line, the quantity of data has not proved to be a problem. In fact the amount of data has decreased as fishing in the region has declined.

Instead, the Scientific Committee's data analysis demands have increased and the Secretariat needs more computer equipment do deal with these demands. Predicably, the Commission is resisting Secretariat requests to purchase additional equipment on the grounds of 'unnecessary expense' (Pers. Coms Sec. and Delegates, 1995).

Data and information management underpins successful implementation of the convention. While there are no problems of overlapping information with other conventions as the CCAMLR data base is unique, there is increasing pressure from some stakeholders (particularly environmental interests), to make the data and information accessible and available to

stakeholders other than the parties (Pers. Com.Sec.,1995). Some stakeholders are less enthusiastic about an open-access policy.[41]

A recurring and related data management problem is that CCAMLR data is not publicly available until after individual scientists publish their own work. It is the work of individual scientists that forms much of CCAMLR's database. This material is often not published until 3 years after the field research, and although CCAMLR decision makers have access to it in meantime so that implementation is not delayed, there is the constant risk of plagiarism by other scientists, modern scientific research being a highly individualistic, competitive and adversarial enterprise. The Secretariat as custodian of the data, treads a fine line in determining how these issues of data access and use can and should be addressed.

The unresolved issue of managing technological change, in particular the installation of VMS, was discussed previously. The intention to base this system in the Secretariat, would require an increase in the organization's technological, personnel and budgetary capacity - a notion that has already been opposed by some parties (Pers. Com. Sec.,1995). It is understood that some parties are resisting the idea as they are concerned about the surveillance aspects of such a system. How it would be used and by whom. There is also concern in the legal fishing industry about the loss of commercial advantage from disclosure of the location of fish stocks, were VMS units installed on all vessels. Predicably, many parties are concerned about the additional financial implications for their governments.

Time

The Secretariat's workload is set by Commission. According to several delegates, the workload is too much for the small staff. Annual Commission and Committee meetings mean that several months of each year are taken up

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[41] As the Secretariat is located in Australia and the Australian Antarctic Division (AAD) pays for CCAMLR to use the AAD's computer, this raises questions in the minds of some stakeholders (particularly fishing nations), of data confidentiality. In particular, they are concerned about (unrestricted) access by the host country to commercial-in-confidence and fish stock data. They are also concerned about NGO access to data, Australia being one of the few CCAMLR members which includes industry and environmental NGOs on its delegation (Pers.Com.Scientist,1995).

with the core tasks associated with preparation for these meetings. This leaves very little time to deal with other implementation issues (such as monitoring non-compliance) that arise, and to facilitate and service Working Group meetings.

According to one Secretariat official, there have not been a lot of difficult issues in CCAMLR in which the Secretariat might be involved. However, the Secretariat's organizational capacity and performance is likely to be tested further with the need to monitor developments in illegal fishing for the Patagonian Toothfish. With its present limited resources and a new Data Manager who is still getting up to speed, I expect that over the next few years the Secretariat will come in for some criticism of its inability to deliver a quality product on time.

Travel and Location

Travel costs and down-time getting to and from CCAMLR's headquarters in Hobart are a problem for delegates and for Secretariat personnel who need to attend working group meetings in the Northern Hemisphere several times a year. The Hobart location is good for Australia as the critical mass of its Antarctic research, policy and supply initiatives are located in Tasmania, and ships from CCAMLR countries dock there. However, a Northern hemisphere location might improve CCAMLR's international profile.

Social And Cultural Diversity Constraints

Managing External Diversity

Unlike Ramsar and CITES, centralization/decentralization, North/South tensions, and regionalization are not constraints experienced by CCAMLR. In CCAMLR, Anglo-Saxon/non-Anglo-Saxon, and the conservation/fisheries debate are the key institutional issues confronting stakeholders and the Secretariat. The Anglo-Saxon/non-Anglo-Saxon issue can be traced back to the sovereignty disputes between the UK and Argentina in the South Atlantic, and the conservation/fisheries divide which reflects professional differences among Antarctic scientists. The problems these issues create for the Secretariat are perceptions of bias in the personnel profile of the organization, in the equitable dissemination of data and advice to the parties, and in the interpretation of data.

Nor is capacity building an issue in CCAMLR. As a senior Secretariat official commented, highly developed fleets and highly trained crews are required to fish in such a remote area. Countries which cannot afford these costs do not belong to CCAMLR, and CCAMLR does not help countries with capacity building (Pers. Com.Sec.,1995). As one scientist/delegate noted, "the issue of developing countries has not happened yet with CCAMLR, but the AT is coming under scrutiny following more interaction with Malaysia, Pakistan, and it may just be a matter of time before this happens with CCAMLR" (Pers.Com.Sec.,1995). I agree. Increasingly, developing countries are insisting

on their right to participate in decision making about the management of international resources such as fish.

Managing Scientists In CCAMLR

Three phases of scientific growth were identified over the first ten years of CCAMLR's existence. They are: the Start-up phase 1982-1990;[42]next, the Scientific Committee 'discovers' the idea of precautionary catch limits, in approximately 1989. This was a watershed as it gave science a focus and a problem to solve. The third phase was the consolidation of the place of science in the convention (Pers.Com.Powell, 1995).

I would suggest CCAMLR science is now entering a fourth phase, the politicization of science which revolves around the question of fisheries enforcement, given that one limitation of CCAMLR's observation and inspection system is that countries cannot use scientific reports and data as the basis for a prosecution (Pers. Com. Sec.1995).

The CCAMLR scientific community has consolidated the 'outsider-insider' culture inherited from the AT. Antarctic scientists act as a club in that they present a cohesive front to fend off outsiders although they compete fiercely among themselves. They also constitute a series of interrelated formal and informal networks.

There are, however, differences between Anglo scientists who have had a university-style education in the UK, the USA, or Australia and non-Anglo scientists. This educational background serves as a scientific bridge internationally as they tend to have similar view points, while non-Anglo

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[42]In the Start-Up phase, the Secretariat took a very active role in building a scientific community focused on CCAMLR. An important Secretariat job was to foster the growth of this science family, to get them together and make sure they were valued. It was a nurturing role. They have to feel like a family with a task; they come as individuals but once you get that 'family' established they behave like a family; they don't behave like a bunch of nationalities, and they mix at a far greater social level than Commission delegations do. Scientists are working on a common job. That is not to say are not any politics involved, that depends on the delegation, bu in the 6/7 years before 1992, the Secretariat had established a very tight scientific family that was working well and still is from all accounts. The establishment of scientific confidence was an important development in the growth of CCAMLR (Pers. Com. Powell, 1995).

scientists such as those from Eastern Europe hold differing points of view especially when it comes to conservation. These differences are aggravated by the language gap and the fact that the most prestigious international scientific publications are in English (Pers.Com. Scientist, 1995).

The Secretariat has to work strategically to overcome feelings of bias against non-Anglo interests within the convention. It seems that resentment of the 'Anglo club' has diminished somewhat since the appointment of de Salas as a non-Anglo executive head in 1992. Secretariat scientists also publish joint papers with external scientists, a strategy which can assist non-English speakers to have their research published in English language journals.

The importance of the professional scientific organizational and individual networks in both the AT and CCAMLR should not be underestimated. Scientific networks in CCAMLR foster year around intersessional communication in a way the AT does not have - in the AT, science is secondary to politics. Scientists also actively promote CCAMLR within their own countries which raises CCAMLR's profile and thus its chances of collecting national contributions. Finally, as many CCAMLR scientists have been interacting for a long period of time, they constitute an effective political lobby group both domestically and internationally in support of CCAMLR.

Managing Internal Diversity

In the wake of Anglo/non-Anglo tension, there has been an effort to balance the nationalities in the secretariat. When the Secretariat was first established and until 1992, there were only Americans, British, Russians and Australians working there. The Secretariat's stated recruitment policy is now the geographical distribution of personnel (Pers.Com.Sec.,1995). However, Anglo interests are still disproportionately represented among the professional personnel, partly due to the need for Secretariat boundary-spanners to communicate fluently in English as it is the language of the international scientific community.

Organizational Loyalties And Leadership Constraints

The Secretariat resists having an organization made up of people from member states on a quota basis. One Secretariat official in commenting on geographical representation, commented that a quota would be a disaster. In his words,

> You have to leave the boss free to choose if you want an efficient organization, and the Secretariat would only take on secondments as technical assistants at lower level where it would not expect them to wield political influence (Pers. Com.Sec.,1995)

National Government Influence

During the Cold War when suspicions were running high in CCAMLR, one government was accused of putting pressure on its national in the Secretariat to pass on fishing data. This was confirmed in an interview with the national concerned. He stated that he resisted home-country pressure and informed the Executive Secretary. Pressure from this government no longer exists (neither does the government). No other reports of similar activities were received from Secretariat members or stakeholders.

Leadership Constraints

CCAMLR has had two Executive Secretaries with contrasting management styles. The first Executive Secretary, Darry Powell, was variously described by delegates, scientists and NGOs as a person who believed in CCAMLR and was wholly committed to the job. He was perceived as an excellent facilitator, an honest broker, and a person with a sense of ownership of CCAMLR, which is probably not surprising as he set up the organization and guided it for the first formative ten years before retiring.

His replacement, Estaban de Salas, had spent 10 years as Chairman of the Scientific Committee before taking on the Executive Secretary's position. His background is in Spanish fisheries management and his management style is described by himself and his staff as being more autocratic than his predecessor's 'laid-back' style of participatory management. For the incoming

Executive Secretary, it was an opportunity to get things going after years of frustration watching from the sidelines (Pers. Com. de Salas,1995).

Criticisms leveled at the current Executive Secretary revolve around his management style as described and (seemingly unsubstantiated) allegations of poor office management. Admittedly, there may be room for scepticism in relation to these criticisms, as most were made by 'Anglos'. However, de Salas' appointment was generally viewed as a victory for scientists over diplomats, the diplomats having won with Powell's appointment.

The activist leadership exerted by the first Executive Secretary was reputedly considerable. This impression was reinforced by the remark of an Australian scientist that Australia had undue influence in CCAMLR when Powell was in power. Although this influence may be somewhat diluted with a new executive head, the leadership role of the Executive Secretary remains very significant in CCAMLR's consensus-based decision making process. A reason for the potential influence of the Executive Secretary is that s/he is in a position to suggest creative solutions; to act as a third party; and to stress common ground between the parties rather than focus on differences.

Implementation Conflicts

One of the more interesting aspects of the CCAMLR text is the breadth of its dispute settlement options in comparison with those of earlier conventions. [43] The CCAMLR provisions contrast with the complete absence of a dispute settlement mechanism in the original Ramsar text; and the meagre provisions of the CITES text which state that if negotiation between the Parties is not successful, then the dispute by mutual consent, may be submitted to arbitration by the Permanent Court of Arbitration at The Hague, and the Parties are bound by the arbitral decision (CITES Article XVIII).

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[43]Article XXV states that in the event of any dispute arising between two or more of the Contracting Parties, concerning the interpretation or application of the Convention, the Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice. If such a dispute cannot be resolved, it is then referred to the International Court of Justice(ICJ).

This expansive clause notwithstanding, like Ramsar and CITES, CCAMLR members have avoided using the dispute settlement provisions of the convention.

Conflicts among the Stakeholders

There was general agreement among delegates, NGOs and Secretariat personnel that conflicts among the parties tended to play themselves out in the AT as sovereignty issues. As one Secretariat staff member cynically said, "we don't have conflicts or disputes in CCAMLR as they become sovereignty issues below 60 degrees S"(Pers. Com. Sec.1995). Disputes such as those between UK/Argentina which may affect CCAMLR are thus "shunted upstairs" to the AT.

> The AT handles the political issues and its delegates make the decisions. That is, the bosses of the CCAMLR representatives attend the AT meetings or go to both CCAMLR and the AT meetings. This helps keep CCAMLR for the scientists (Pers. Com. Sec., 1995).

According to Secretariat officials, CCAMLR has never had to invoke the dispute provisions of the Convention, nor has it had a dispute about conservation measures because the parties respond positively to the threat of an Extraordinary Meeting. Their 'positive' response relates directly to the costs and logistics of organizing an Extraordinary Meeting in Hobart.

"Parties find Extraordinary Meetings a real headache" (Pers. Com. Sec., 1995). Although stated somewhat ironically, this remark by an experienced member of the Secretariat illustrates the resistance of members to financial outlays and their reluctance to tackle political issues, preferring to stick to what they perceive as their scientific home turf.

A Secretariat officer commented that conflicts (if there is one) go to the Commission and are resolved there. For example, Poland did not want to implement conservation measures [low-cost practical measures of poles and streamers to deter seabirds] because of the cost, even though there was only one vessel involved. Australia objected to Poland's position because of the escalation in seabird mortality caused by unmodified vessels. Australia directly negotiated the issue with Poland and the conflict 'disappeared'. The

officer went on to say that had Australia not been able to resolve the disagreement bilaterally, the Secretariat could have been brought in to assist as a intermediary. He further commented that the Secretariat would have a role to play [in conflict resolution] if brought in, as there was no case where the recommendations of the Secretariat had not been accepted (Pers. Com. Sec., 1995). This was the only acknowledgment by any CCAMLR interviewee that CCAMLR experienced conflicts in its implementation.

The 'absence' of conflicts in CCAMLR seemed too good to be true. It contradicts media and documentary evidence and the many illustrations given by interviewees of tensions and outright conflicts among convention stakeholders including: the much publicized conflicts between environmental NGOs and parties; conflicts between Anglo and non-Anglo stakeholder interests; conflicts among competing scientists; and between the Commission and individual member nations over states' denials of infractions by their fishing nationals and the distinct reluctance of some countries to prosecute violations.

Formal denial of the existence of conflict to outsiders such as myself and the presentation of a public face of solidarity are consistent with the convention's defensive culture. If being able to admit to imperfections and implementation difficulties is a guide to the maturity of a convention, then CCAMLR and its Secretariat have a long way to go before they reach the maturity of Ramsar and CITES.

Intraorganizational Impacts of Conflicts

The fisheries/conservation debate that divides the convention also divides the Secretariat. It is an argument about principles and values not scientific facts, and parallels the conservation/sustainable use debate in CITES and the conservation/wise use debate in Ramsar. What distinguishes the situation in the CCAMLR Secretariat from the other two secretariats, is that the philosophical divisions among the parties seem to have spilled over into the Secretariat itself. This did not appear to happen in the Ramsar Bureau or the CITES Secretariat where both organizations were clear about convention and

organizational goals and each organization presented a united front to its stakeholders.

The distinction made between science and politics in CCAMLR is artificial and unrealistic. While this dichotomy might be rationalized on the grounds of role differentiation between scientists and national delegates, in practice national delegates are frequently scientists. It is thus often left to the Secretariat to link the science and the policy of CCAMLR in its reports and its briefings of governments and the Commission. This is a substantial risk for a passive, highly resource-dependent organization.

Summary Of Problem Emergence in CCAMLR

In contrast with Ramsar and CITES, CCAMLR is not part of the UN system; it discourages outsiders particularly environmental NGOs; it has no partner organizations; and the Commission severely restricts its Secretariat's resources. CCAMLR members seem to have less understanding of the potential value of their Secretariat to convention success, than do the parties in either of the other conventions. CCAMLR-affiliated NGOs were more aware of the potential influence of the Secretariat.

In spite of the tensions and conflicts that inevitably emerge from time to time among convention stakeholders in CITES and Ramsar, all of the major stakeholder interests in each of these conventions acknowledged the importance of their secretariats as an indispensable institutional resource. This does not appear to be the case with CCAMLR which treats its secretariat very much as a servant of the parties.

The CCAMLR Secretariat remains an enigma, an image fostered by its culture of exclusion, an apparent discomfort with organizational transparency, and I suspect, a lack of direction or sense of purpose as a servant of its parties. It is undoubtedly a passive secretariat. The organization's 'identity crisis' appears to come from trying to carve out an identity for itself as the secretariat of CCAMLR, an independent convention, while living in the shadow of the Antarctic Treaty. The other aspects of the organization's identity crisis relates to its apparent inability to convince its members of its network management value to the successful implementation of the convention, and its own reluctance to assume a more activist stance in the system.

Summary of Chapter 5

Fundamental to the success of any international agreement is the legal and institutional adequacy of the agreement itself, including its capacity to adapt to changes within and external to the treaty system over the lifetime of the agreement. Foresight in crafting the text to incorporate provisions for

adapting to change (such as amendments), financial mechanisms and a permanent administrative infrastructure, are critical to a convention's organizational efficiency and effectiveness. These points are amply demonstrated in the problems experienced by Ramsar's failure to incorporate these provisions in its original text and the delays and implementation difficulties that resulted. CITES and CCAMLR learned from Ramsar's omissions.

Political and financial constraints including a lack of political commitment to successful implementation, and a concomitant reluctance by members to ensure that a secretariat has the organizational resources it needs to carry out its core and substantive tasks effectively and efficiently, have emerged as major inhibitors of secretariat performance. These factors directly affect the organizational capacity and management of the secretariat by restricting resource availability and mobilization, workload and time allocation and prioritization. To compensate, secretariats develop alternative networks and sources of support. In particular, they develop informal networks and alliances with state and non-state actors, in pursuit of external or project funding to fulfill their tasks and responsibilities.

In the absence of evidence to the contrary, national government influence on secretariat personnel appears to be less of a problem for secretariat performance than does organizational leadership. Organizational leadership is perhaps the major determinant of whether a secretariat assumes an activist or a passive stance as a network manager. Leadership style, including a preparedness to delegate, directly affects whether boundary-spanning personnel are encouraged to take initiatives and risks in the interests of

achieving treaty objectives. Secretariat leadership is an area for future research.

Finally, implementation conflicts are clearly a treaty norm. They are also impediments to successful implementation and compliance. In response to this phenomenon which is not formally recognized by members, secretariats as the lynch-pin organizations and network managers of the system, have developed an *ad hoc* and informal repertoire of conflict management and dispute resolution skills and approaches to contain these problems as obstacles to treaty success, thus ensuring (as far as possible), organizational survival, and ideally, growth. How secretariat initiatives in managing implementation conflicts and disputes are put into practice, are discussed in detail in Chapters 6 and 7.

CHAPTER 6: OVERCOMING CONSTRAINTS: TURNING OBSTACLES INTO OPPORTUNITIES

Introduction

This chapter examines how the Ramsar, CITES and CCAMLR secretariats dealt with, or sought to deal with, the emergence and management of the 6 categories of organizational constraints identified in the previous two chapters. I show how these bureaucracies as the lynch-pin organizations of complex multilateral networks, use their primary role as network managers to overcome the limitations of resource dependency, and to manage the conflicts that are an inevitable part of any treaty implementation.

Overcoming Political Constraints

Treaty Adaptation

All treaties require the capability to adapt to changing global political, economic, social and environmental circumstances and to correct deficiencies in the original treaty text, some of which only become apparent over time. The lack of an amendment capacity to change the treaty, severely limits a convention's ability to adapt as world events and members' needs change.

By 1995, Ramsar had been able to overcome many of the problems in the original text associated with drafting errors and omissions including the lack of provisions for: amendments; financial and administrative infrastructures; and dispute resolution. These deficiencies were overcome using formal negotiating procedures such as those which resulted in the Paris Protocol (1982); the Regina Amendments (1987); and the implementation of CoP decisions on these matters. However a considerable time elapsed (1975-1987), before the majority of these changes entered into force. To minimize confusion in the interim, the Parties agreed that they would act as if these changes/amendments were in force from the date that the CoP agreed to them.

CITES avoided the drafting problems experienced in Ramsar by ensuring that provisions for amendments, budgetary and financial mechanisms (including funding for CoPs), a permanent secretariat, and a dispute resolution clause were contained in the original CITES text.

The drafting of CCAMLR benefited from the experience of its ATCP negotiators who had also drafted the Convention for the Conservation of Antarctic Seals (CCAS). In addition, CCAMLR's negotiators had learned from Ramsar's errors and they made sure that similar mistakes were not made in drafting CCAMLR. Consequently, the original CCAMLR text included provisions for a permanent secretariat and a dispute resolution clause. However, as far as financial matters were concerned, members were expected to pay their own way to Commission meetings and in 1997, there is still no provision for the CCAMLR equivalent of a CITES Trust Fund or a Ramsar Wetlands Conservation Fund. I was told by secretariat officials and NGO representatives, that as CCAMLR membership is effectively restricted to wealthy, developed nations which can afford to deploy the large and expensive vessels required to undertake scientific research and to fish in the Southern Ocean, the parties have seen no need for a trust fund or its equivalent (Pers. Coms. Sec., NGOs, 1995).

The formal powers and functions of the CCAMLR Secretariat are minimal in contrast with those of the Ramsar Bureau and the CITES Secretariat. It seems that the governments negotiating the CCAMLR text were determined that the authority and power of a CCAMLR bureaucracy would be minimal. CCAMLR Secretariat personnel commented that CCAMLR members were concerned about the potentially negative impacts (on members), of the recommendatory power of the CITES Secretariat and made sure it was not included in the CCAMLR text.

Convention negotiators (lawyers and diplomats) are not the officials (civil servants and experts) who will implement the convention. The concern here is that those who negotiate the text do not have to live with it, and they have no idea how the language and structure that they negotiate will work in practice. In Ramsar's case, what presumably appeared to be a reasonably sound text to the negotiators, proved to have serious deficiencies in practice. A

financial mechanism was required to assist developing country members with capacity building; a permanent secretariat was needed to coordinate and manage treaty implementation; and funding was essential to underwrite the triennial CoPs.

To implement an agreement, secretariat officials, national managers and their personnel interpret the language of the text and the decisions of the CoP and its Committees, in ways that ensure the intent of a convention is carried out. There is a considerable 'grey area' as the Ramsar, CCAMLR and CITES Secretariats pointed out, between black letter law and policy practice. These 'grey areas' provide activist secretariats with windows of opportunity to demonstrate initiative in policy guidance and policy leadership. In contrast, passive secretariats are more likely to confine themselves to a narrow interpretation of the black letter law. In Ramsar, although governments may request a formal written interpretation of some aspect of an agreement that is troubling them or appears ambiguous, on a day-to-day basis, requests from stakeholders for interpretations of text are done verbally and informally over the telephone, in meetings, and in informal conversations with national bureaucrats and NGO colleagues. An example of secretariat policy guidance given to parties is in the organization's interpretation of key convention phrases such as 'wise-use' (Ramsar); 'sustainable use' (CITES): and 'ecologically sustainable management' (CCAMLR).

Secretariats have to abide by the intent of the treaty so that it can be implemented in ways that ensure convention objectives are met, while at the same time the organization must interpret complex legal language in ways that 'make sense' to the practitioners responsible for its implementation. While secretariats are ever mindful that they are formally 'servants of the parties', they are also mindful that governments change and that conventions are intended to span generations, not just the 3-4 years of the average domestic political term. National governments come and go in relatively rapid succession. However, domestic civil servants are usually involved in policy implementation for protracted periods of time, in one government agency or another. As civil servants move among national bureaucracies and/or are seconded to IOs such as treaty secretariats, they take with them their networks and the knowledge and skills they have gained

from previous postings. In these circumstances, ICS knowledge, expertise and networks are not lost, they are just redistributed. It is this adaptability of practice that enhances the capacity of secretariats and their conventions to adapt to changing global environments

Relations With Governments

Dealing with the rate and scale of changes in convention membership, policy directions, national and international bureaucracies, resource allocation and organizational management, have been organizational challenges for all secretariats. While there are a number of commonalities among the case study secretariats in the constraints they face and the ways in which they seek to overcome them, there are also differences in the approaches they use to overcome obstacles. The approaches adopted are shaped by differences in external, interorganizational and intraorganizational factors confronting the organization.

Ramsar

In Ramsar's case, task prioritization introduced with the new Ramsar Strategic Plan 1997-2002 and overseen by the Standing Committee, is intended to overcome these problems. The Strategic Plan will put more emphasis on land-use planning and policy work rather than on traditional on-site technical work. It will press for national Ramsar committees and policies and training in community-based management. The goals of the Strategic Plan are: wise use; training; providing the technical and especially the financial resources; and ensuring the Bureau has the means to do these things (Pers. Com.Bureau, 1995; Ramsar Doc. 6.15 (Rev.1); Blasco, 15 May, 1997).

This change of emphasis in the Bureau's approach appears to complement, rather then duplicate, IUCN's community development fieldwork thrust, and IT increases opportunities for on-ground collaboration between the Bureau's Technical Officers and IUCN field operatives. It should also reduce the likelihood of role overlap in site work which has been a source of tension between IUCN field operatives and the Bureau's Technical Officers.

Ramsar Bureau members hope that their frustrations with increasing bureaucracy resultant of increased membership and changing expectations of the Bureau's functions, attendant delays in hierarchical decision-making and an avalanche paperwork, will be overcome by the implementation of a flatter structure within the Bureau. All technical, administration and communications officers now report directly to the Secretary-General, and multiskilling is actively encouraged by senior management.

Organizational restructuring cannot, however, overcome delays in national bureaucracies. Wherever possible it appears that Bureau personnel and their counterparts in national governments and NGOs use informal telephone and electronic communications including e.mail and fax, in preference to more formal means of correspondence such as diplomatic notes and written correspondence, to speed up communications and minimise delays in traditional chains of command. Informal modes of communication and dialogue sit very comfortably with Ramsar's relatively informal culture. The increase in informal communication is a matter necessity, rather than one of subterfuge, if the Bureau is to accomplish its tasks and deliver quality policy products on time.

A related problem is that government and public awareness and the influence of Ramsar within countries, are further hampered by the low level and limited administrative authority of Ramsar officials in national bureaucracies and thus the low level at which most Bureau correspondence is directed and received.

To deal with these problems, Bureau missions are undertaken several times each year to countries where these difficulties are occurring, to educate and facilitate the linking of all levels of government: legislators, politicians, senior managers, technical officers and field workers, non-state actors and local communities. Through working with national officials, NGOs and international experts on monitoring domestic and transboundary Ramsar sites, Bureau personnel endeavour to lift the level of technical expertise and knowledge within a country. Coordinating training courses; providing direct advice; and facilitating on-the-job training are examples of approaches used.

Bureau personnel consider that encouraging collaboration and communication in this way is important for several reasons. First, politicians and senior officials are often more likely listen to representatives from the Bureau (who they perceive as representing the convention and thus a higher [international] authority), than they are to lower level internal operatives in their own bureaucracies. Second, unlike Bureau personnel, lower level Ramsar national and subnational officials are frequently restricted from direct access to senior political and bureaucratic officials by the civil service norms of employment in their home country. Third, it is often more effective, at least until a critical mass of in-country convention expertise has been built up, for external experts such as the Bureau's Technical Officers to facilitate meetings among competing interests (including government agencies) within a country, than it is for low level bureaucrats from one of the competing agencies to arrange such meetings. Senior and more influential officials are more likely to attend a meeting organised and facilitated by a UN official than they are one organised by their own lower status staff. Fourth, for Bureau personnel as Ramsar representatives there is a certain status associated with being UN employees, especially in developing countries, where there appears to be a presumption that such officials have, or can facilitate, greater access to international resources (especially funding) than is possible for individual domestic agencies or countries acting alone.

CITES

Nature conservation/trade, and North/South tensions have been permanent undercurrents in relations among CITES stakeholders since the convention entered into force. These underlying tensions are now being exacerbated by the changing relations between global trade and international environmental policies and priorities. Within this macro-context, the issue that has created the most tension among the parties and between the Secretariat and the parties, has been the ivory trade issue.

The Secretariat has dealt with this perennial problem by being studiously impartial and consistent in the advice its gives all stakeholders. It has also been extremely careful to take as its point of reference, the CITES' resolutions governing a Party's rights to enter a reservation in circumstances where it

feels unable to meet its CITES obligations such as enforcing domestic and international compliance with the ivory trade ban. The Secretariat has been understandably cautious in this regard since the 1989 crisis when the Secretariat was criticized for being too "pro-use" (as distinct from "pro-conservation"), in the eyes of some environmental NGOs and some Parties, notably the US government and several North American NGOs (Pers. Coms. Sec, La Pointe, 1995; La Pointe, 1992).

The formal recommendatory powers of the CITES Secretariat have also been a periodic source of tension and resentment in Secretariat relations with some parties. This power is a source of considerable authority and leverage in the Secretariat's relations with stakeholders and is unprecedented among environmental treaty secretariats.

The CITES Secretariat is well aware that some Parties' resent this power, and the organization uses it judiciously. In general, the Secretariat's recommendations have been accepted and acted on by the Parties, based as they are on thorough research, and extensive consultation with all the relevant stakeholders including traders and environmental NGOs. In situations where the Secretariat makes a specific recommendation, it is also careful to provide alternative approaches or courses of action from which the Parties can choose, but which will all reach the same end result, that is, different roads to the same destination. The case of the trade ban on Italy is such an example.

For those Parties which were reluctant to support trade sanctions against Italy fro non-compliance, the Secretariat made it clear that although the Secretariat recommended a CITES-wide ban on trade with Italy (all other possible courses of action having been exhausted), it suggested that Parties had the option of suspending trade as agreed under CITES, or alternatively, suspending trade under their own domestic legislation. Several parties were apprehensive that if they took multilateral action under CITES, at some later date other parties might decide to take multilateral action against them for non-compliance. In contrast, unilateral action by an individual country is less politically and economically threatening.

Re-export has been a source of problems among CITES Parties and between the Secretariat and CITES members. The Secretariat has dealt with this issue by a periodic review of trade permits among countries where illegal trade is suspected of occurring, and spot checks. The formal CITES surveillance network is global, complex and interlocking. It comprises Interpol, domestic and international NGOs such as WWF/TRAFFIC, as well as CITES management authorities, customs, and law enforcement officials in each country. Additional surveillance is of necessity often underground or covert as there are huge profits to be made in smuggling wildlife and substantial personal risk is involved for those doing the surveillance work, whether they be law enforcement officials, concerned local citizens, or NGOs.

Unfortunately the Secretariat does not have the personnel to check every import, export and re-export permit. According to Secretariat officials this is the only way to counter documentation forgeries and other illegal practices. The CITES CoP resolution that the Secretariat should recommend against re-export is an attempt to overcome this weak link in the Secretariat's organizational monitoring capacity. (Pers. Com. Sec., 1995; Resolution Conf. 8.5).

The Secretariat has to continually adapt to political shifts in regions; changing policy emphases and directions in the convention (for example, from 'charismatic megafauna' to flora, timber and marine species); and the changing expectations of Secretariat performance by CITES' members.

Secretariats must be adaptable to survive. The acknowledged credibility, authority, expertise, and ultimately the success of the CITES Secretariat in increasing global awareness, membership and implementation of CITES under intense and competing pressures from governments and NGOs at various stages in its history, appears to provide evidence of its organizational capacity to adapt and survive. So how does it adapt?

In response to changes in the organizational environment of the CITES system, the Secretariat regularly reviews its Strategic Plan which is then presented to each CoP for its approval, together with the Secretariat budget. Unlike the Ramsar Bureau, which formulated its first strategic plan some 25

years after it entered into force, the CITES Secretariat has worked with strategic plans for some years. The formulation of the Strategic Plan, together with policy redirection and the budget, are the responsibility of the Secretary-General.[1]

Management practices of the CITES Secretariat are more formalized than are those of either the Ramsar Bureau or the CCAMLR Secretariat. It is also the largest organization as far as personnel numbers and budgets are concerned, so it is probably to be expected that its management arrangements are more coherent and structured. This is not meant to imply that the CITES Secretariat is less inclined to use informal mechanisms and networks to achieve its objectives. On the contrary, as the CITES Secretary-General noted, informal processes are part of the nature of a secretariat, and the way it gets things done. In commenting further on the value of informal networks in implementation, the Secretary-General advised that it is the people in charge of implementation [the Secretariat and national management authorities] who look to the 'grey area' of the law to overcome contradictions in the original law [text] it would be impossible to proceed (Pers.Com.Sec.,1995). As the Secretary-General pointed out, CITES has adopted one amendment and it took 10 years for it enter into force. The second amendment, the Gabon Amendment, was adopted in 1983 and [in 1995] still needed 40% more parties to ratify it before it could enter into force. As the Secretary-General noted, "how are you going to implement anything if you don't have that grey area and use informal as well as formal contacts" (Pers.Com. Topkov, 1995).

Informal networks help the CITES Secretariat to keep up to date with changes in policy directions in the regions and in stakeholder expectations of the Secretariat. The organization can make provision for these changes in its Strategic Plan by tapping into informal networks and keeping network linkages open. From its global vantage point, the secretariat is able to anticipate and directly advise national scientific and management authorities on probable changes in CITES policy directions, including the new listings of

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[1] In 1995, the Secretary-General of CITES advised that he, personally, wrote the Strategic Plan. He described his organizational management style as very consultative of Secretariat personnel, but was not specific about at what stage he sought their input to the Strategic Plan. I gained the impression that he developed the plan personally, then sought feedback from Secretariat members especially from the very experienced Deputy Secretary-General.

marine and timber species in 1994, and the proposed changes in elephant harvesting in 1997. It also develops and/or coordinates additional training courses to bring stakeholders up to speed on issues such as how to identify newly listed timber species.

The Secretariat is recognized by parties as being very influential in CITES implementation (Pers. Com. Delegate, 1995), although Trexler (1989) disagrees. The CITES Secretariat appears to be respected for its initiative, expertise, professionalism and impartiality (the 1989 incident not withstanding). In 1989 it seems that the CoP had to find a scapegoat, and the Secretary-General was the ideal target, having been perceived to be "excessively pro-use" (Pers. Com. Delegate, 1995).

The risk of being scapegoated, rightly or wrongly, is an occupational risk that executive heads accept in taking on the job, even if they do not like the personal fall-out when it happens. There is no recourse for international civil servants to overturn the decisions of sovereign nations, and even if they were successful in such an action, having lost the confidence and respect of the members it would jeopardize the Secretariat's credibility and stature for a 'discredited' Secretary-General to stay on.

Far from adversely affecting their own future employability, executive heads so dismissed may well to go on to become successful international consultants, as have La Pointe (CITES) and Navid (Ramsar). It appears that the private sector, NGOs and individual governments have a far greater appreciation of their insider-knowledge and international networks than do their do their former convention colleagues.

CCAMLR

In its day to day operations and relations with interests outside the parties, the CCAMLR Secretariat remains constrained and influenced by the residual effects of the Cold War, and the AT culture of the exclusion of 'outsiders' and domination by the Antarctic scientific elite. It also appears that the original conservation ethos of AT which inspired CCAMLR has been submerged by

fisheries interests whose catch and data management demands now dominate the workload priorities of the Secretariat.

In contrast with the secretariats of Ramsar and CITES, the CCAMLR Secretariat is primarily reactive to its parties' requirements. It is a classic example of a passive IO. It does not play a leadership role in convention policy matters; it provides advice as and when requested; and in the area of data management where it has clear responsibilities for the coordination, management and analysis of convention data inputs, its actions remain conservative and it rarely takes the initiative.

Any initiatives taken by CCAMLR Secretariat personnel appeared to depend more on the personalities and expertise of individual boundary-spanning personnel, than on an organizational philosophy. For example, the former Data Manager actively facilitated the management and resolution of troublesome issues in several Scientific Working Groups. His positive contribution was clearly appreciated by working group members including environmental NGOs (Pers. Coms. NGOs, Scientists and Delegates, 1995).

Overall, the CCAMLR Secretariat's relations with governments appeared to be innocuous and responsive rather than innovative and proactive. Given the Executive Secretary's reluctance to discuss these matters, it is difficult to find evidence to the contrary. Certainly the opinions of environmental NGOs, some fishing organizations, and delegates, seem to bear out my observations that the Secretariat is rarely proactive.

The lack of organizational initiative also appears to reflect differences in leadership attitudes. Stakeholders commented that under the previous Executive Secretary, the Secretariat had been less suspicious of outsiders and more prepared to take a policy leadership role.

Managing the chronic tension between science and politics causes problems in relations between the CCAMLR Secretariat and the Scientific Committee. The Secretariat's network management role and functions combine political and scientific elements. The Secretariat is the organizational nexus between the politics and the science of CCAMLR. The professional officers, including

the Executive Secretary, all have scientific credentials and their functions and responsibilities have both political and scientific management components. The value of this combination of organizational capacity and expert skills is probably undervalued by CCAMLR as a whole. In fact the organization appears to be under-utilized both by the Commission to whom the Secretariat is very much a 'servant', as well as by the Scientific Committee which, from my observations, appears to regard Secretariat personnel as 'lesser scientists' than those engaged in full-time research at key international scientific establishments and academic institutions.

In this regard it seemed to me that the CCAMLR Secretariat had an identity crisis as its personnel not been able to carve out a niche as a technical experts as the Ramsar Bureau has done, nor as policy experts as the CITES Secretariat has done. This lack of a clear organizational identity and strategy means that the Secretariat's responses to tensions between the scientific and policy aspects of CCAMLR's implementation tend to be *ad hoc*. To compensate, it "plays safe" by being primarily reactive to the requirements of the Scientific Committee and/or the Commission.

Compliance with CCAMLR is dependent on in-country action by member countries. Compliance is not consistently enforced by CCAMLR members, and it depends on the political will of each CCAMLR member to enforce the compliance of its nationals, and to provide in-country education of its domestic fishing industries about responsibilities under CCAMLR.

The CCAMLR Secretariat has, on a number of occasions since 1980, suggested the need for standardization of training courses and in-country compliance measures to ensure more uniformity of education about CCAMLR requirements and more consistency of penalties for non-compliance. There appears to have been little progress made on either issue. Furthermore, the 1990 Secretariat innovation of actually naming non-compliant parties in the Secretariat's annual infractions report to the Commission, had been discontinued by 1995, although the Secretariat continued to submit an incident report. However, in recent times, the Secretariat has been asked by the Commission to make comparisons of national eduction and compliance schemes and to suggest the most appropriate system for CCAMLR

implementation (Pers. Com. Sec., 1995). How much notice members take of their secretariat's suggestions, remains to be seen.

Dealing with Non-Members

Considerable Ramsar and CITES Secretariat time and resources are put into the recruitment of non-member countries. Some countries are hesitant to join because of the financial costs of membership of international conventions The AOSIS countries are examples of non-members with fragile economies which are reluctant to incur the costs of joining CITES, but whose inclusion is vital for the protection of migratory and marine species such as turtles.

The CITES Secretariat has been particularly effective in encouraging countries to join CITES. It has been able to capitalize on the media coverage engendered by NGO concerns about the loss of 'charismatic megafauna' and most recently, marine species such as turtles. As the number of CITES' members has increased, so too has global peer pressure on governments to join. The underlying political argument is that governments stand to lose more by not belonging to CITES, than they do by belonging. In marketing the convention to non-members, the CITES Secretariat enters into formal communications including various forms of correspondence and informal communications such as personal discussions with key government officials to promote the benefits of belonging to an international 'club' with beneficial linkages to other potential trading partners and financial institutions. The possibility of financial assistance from the CITES Trust Fund is also a drawcard.

The CITES Secretariat is assisted directly and indirectly in these promotional efforts by domestic and international NGO networks and contacts. These networks put domestic pressure on countries join the convention, as the only universally accepted way to regulate and monitor illegal trade is via the cooperation of CITES members. There is no way for either the Secretariat or NGOs to monitor, let alone regulate, the trade of non-member countries except by persuading members not to trade with them. This is not an easy objective to achieve, as governments have a well known aversion to being told what to do, or what not to do, by NGOs and civil servants.

Changes In National Governments

Frequent changes in national governments mean changes in national bureaucracies, in the individual officials responsible for convention implementation, and the subsequent loss of a critical mass of in-country expertise. All the conventions I studied experienced these problems to varying degrees.

Ramsar

A key aim of individual Ramsar Bureau personnel is to build up a critical mass of legislators, national officials, NGO and community interests who are knowledgeable about and committed to assisting Ramsar to achieve its objectives in each region and country. Bureau officers achieve this by: visiting individual countries on missions to educate legislators, politicians, bureaucrats, technical experts, NGOs community groups, academic researchers and other networks about Ramsar; conducting site inspections to monitor changes in ecological character; giving technical advice on site management problems; facilitating meetings of relevant stakeholder interests within a country or a region to build up Ramsar support and networks which can help sustain commitment to the convention even when resources are low; and encouraging resource and information sharing within and among countries, as occurred in the management of Lake Victoria in Africa.

In these ways, the development of a critical mass of in-country Ramsar expertise can help compensate for in-country personnel dislocations and the loss of institutional memory caused by changes in national governments. However, network construction and maintenance such as this takes time. There appears to be no substitute for direct personal contact, as distinct from more formal and indirect contact via telephone and written correspondence. It is this regular and direct face-to-face contact between Bureau personnel and in-country colleagues that builds the trust and networks that sustain conventions such as Ramsar, and that determine the ultimate success of all international accords over the longer term.

Another Ramsar Bureau concern relates to in-country corruption, threats and personal risks to the safety of Bureau personnel and their local colleagues. CITES personnel and their local colleagues also experience comparable but frequently more extreme threats in carrying out implementation tasks. CCAMLR Secretariat personnel did not appear to face these types of threats, but then the CCAMLR Secretariat plays a more passive role than does the Bureau or the CITES Secretariat.

Ramsar personnel deal with these threats by using the in-country and international networks of Bureau personnel. In situations where Bureau personnel are concerned for their safety or that of their NGO and community colleagues, they take advantage of their networks with senior government and political figures in that country to bring their concerns to the fore domestically in the context of capacity building negotiations. Bureau personnel can also use their international networks and those of convention stakeholders including NGOs, to ensure that peer pressure can be brought to bear on national governments in the context of regional meetings, the Standing Committee and the CoP, should, capacity building initiatives and funds be misused and the achievement of Ramsar objectives be threatened.

CITES

Changes in national governments are not as much of a problem for the CITES Secretariat as they are for the Ramsar Bureau, as CITES international and domestic infrastructure is more comprehensive and well established. The introduction of domestic legislation to implement CITES is a requirement of CITES membership. Where countries have difficulties in putting this in place, Secretariat personnel offer direct expert advice, and the Secretariat may assist the country concerned to obtain project funding to employ expert international or national consultants to help prepare the legislation and/or make recommendations about infrastructure development as occurred in Guyana when NGO funding was used to help Guyana develop appropriate domestic legislation (Sandford, 1996).

CITES also requires that each member country identifies a government agency which acts as the CITES management authority within the country.

This CITES' management authority, in conjunction with the national CITES scientific agency, has primary responsibility for CITES implementation in the country. The management and scientific agencies are expected to work closely with relevant national law enforcement and customs agencies to monitor implementation and compliance, and to keep the Secretariat informed of progress as well as of incidents of non-compliance.

CITES domestic legislative and implementation infrastructure requirements appear to have been reasonably effective buffers against the erosion of CITES knowledge and progress which can occur with changes in governments. The effectiveness of these implementation mechanisms has been further reinforced by regular local, national and regional training courses run and/or coordinated by the Secretariat, and by the support of well-organized CITES' NGO networks and their effective use of the media to advance awareness of CITES' objectives and actions.

The Secretariat's active role in the oversight of national implementation is pivotal. It keeps abreast of changes in governments and their implications for CITES implementation and it provides direct advice to incoming governments on their CITES responsibilities and obligations. Secretariat personnel endeavour to visit a country as soon as possible after a change of government to facilitate this information exchange, and to identify potential problems areas. The Secretariat is also continually organizing training programs to train incoming, in-country officials and operatives to ensure that a critical mass of in-country CITES expertise is retained at all times and that there is a minimal loss of continuity of CITES knowledge.

Time delays in submitting essential documentation such as trade permits to the CITES Secretariat, are another problem that can arise when governments change. The case of "lost" faxes can hinder Secretariat monitoring and compliance tasks. Persistent contact in various written and verbal forms and documentation of all these contacts, are the ways the Secretariat lays down a paper trail of communication with governments and stakeholders and in so doing it also protects itself from allegations of poor performance, inefficiency or bias in enforcement.

CCAMLR

Changes in national governments have been less of a problem for the CCAMLR Secretariat than for either the Ramsar or the CITES secretariats, and emerging problems have generally been offset by the close and long-term relations among individual scientists and their organizations. Although the scientific 'old boys club' atmosphere of Antarctic science may discourage outsiders, by its very nature it is protective of the scientific research goals of CCAMLR. By protecting CCAMLR, the scientists also protect their organizational and individual research and funding interests. It is the international collaboration and protective self-interest of this scientific community that shields the CCAMLR Secretariat to a considerable extent from the potentially negative impacts of changes in national governments. For example, where problems are created by the late/non-payment of national contributions, CCAMLR scientists actively lobby governments to pay their contributions as a way of ensuring that the scientific foundations of CCAMLR are not undermined by lack of funds.

The CCAMLR Secretariat is thus able to take advantage of its formal and informal alliances with international networks of physical and biological Antarctic scientists to bolster its organizational linkages and resources and potentially its authority as the network manager. However, as the 'old-timers' in this network retire and as more countries, particularly developing countries such as those in Southern Africa, South America and Asia, clamour for access to the apparently lucrative CCAMLR fisheries, the Secretariat will need to re-evaluate its dependence on this scientific network to make sure that the organization is not seen to have been captured by Northern developed country interests.

Relations with Partner Organizations

A secretariat's relationship with its partner organization(s) can be a source of tension as well as a source of financial and organizational support. Most secretariats appear to experience recurring tensions, in this mutually dependent relationship. However the tension between the CITES Secretariat/UNEP is entrenched and particularly volatile. Tensions also exist

between IUCN administration and the Ramsar Bureau over financial and administrative management practices, although these tensions are not as severe as those between the CITES Secretariat and UNEP.

Ramsar

The potential for tension between the Ramsar Bureau and its partner organizations, IWRB and IUCN, has been largely managed by formalizing relations among the organizations in the areas of data collection and management, and financial and personnel management, so that the lines of responsibility and accountability are as clear as possible. There were no accounts of tension between IWRB and the Bureau. There is an MOU between IWRB and Ramsar which identifies their respective data management responsibilities. There is also a formal delegation in an MOU, from the Ramsar CoP to IUCN which outlines IUCN's authority and responsibility in the management of personnel, financial and general administrative matters (Pers.Coms Bureau, IUCN, IWRB 1995).

Tensions which arose in the past between IUCN administrators and Bureau management were largely attributed by Bureau and IUCN personnel to a 'personality clash' between IUCN and Bureau leadership. With the departure of these individuals from both organizations, formalization of interorganizational relations, and the introduction of regular meetings between key administrators in each organization, these problems appear to have been overcome.

Co-location appears to be a source of tension between IUCN and Bureau personnel. Bureau personnel are concerned that some stakeholders may mistakenly perceive the Bureau to be part of IUCN, rather than as an independent organization, and they are concerned that perceptions such as this may adversely prejudice the Bureau's work For example, IUCN is generally regarded as having a nature conservation focus, whereas Ramsar's policy direction is 'wise use' which permits some measure of development or rational use of wetlands by stakeholders. To overcome these concerns, regular meetings are now in place between Ramsar officials and their IUCN counterparts.

Tensions occasionally arise between Ramsar Technical Officers and the IUCN Headquarters staff who are responsible for IUCN field work in the regions. This tension seems to be primarily the result of difficulties in role differentiation between IUCN and Bureau officers in the field. Deliberate attempts by both IUCN and the Bureau to improve formal and informal communications between the organizations have now been instigated. Regular meetings are now held between relevant IUCN and Bureau personnel and IUCN personnel commented that the Bureau's transition from a solely thematic to a regional focus had been very positive move for interorganizational relations as it corresponded with IUCN's own regional division of responsibilities. This made for greater ease of cooperation and joint planning. Personnel in both organizations expressed satisfaction with the progress being made to improve relations in the field.

CITES

As noted in Chapter 5, the CITES Secretariat has had a turbulent relationship with its partner organization, UNEP. However, the Secretariat appears to have been very assertive in its recent (1995) difficulties with UNEP over Common Services. Senior Secretariat personnel said that they had made it very clear to UNEP that the CITES Secretariat was a financially independent organization which was more than capable of managing its internal affairs, and it saw no reason why CITES membership contributions should be used to prop up less solvent UNEP secretariats such as Basel and CBD, or UNEP itself, under the guise of contributing to the cost of overheads or Common Services. According to CITES Secretariat personnel, the organization learned the importance of being assertive in such matters, following its earlier experiences with IUCN over similar issues when the CITES Secretariat was located in IUCN. See Appendix 2.

In 1995, the disparity between classification and salary levels of CITES Secretariat personnel and those in UNEP's more recent treaty secretariats of Basel and CBD, had yet to be overcome. This remained a source of tension between the CITES Secretariat and UNEP as well as among the UNEP secretariats.

Several personnel in the CITES Secretariat commented, that from their observations, UNEP was losing ground to UNDP in the 'hearts and minds' of developing country governments. In this context, the CITES Secretariat wanted to distance itself from perceptions of being "one of UNEP's [pro-environmental] secretariats". The CITES Secretariat is still smarting from the repercussions of the 1989 La Pointe incident where it felt betrayed by environmental NGOs.

Capacity building initiatives particularly financial assistance for domestic projects; regional and in-country training programs; regular formal and informal contact between Secretariat officials and their domestic bureaucratic colleagues; Secretariat missions; and regional meetings, are the approaches used by the CITES Secretariat to dispel any misconceptions of its capture by UNEP's primary constituency.

CCAMLR

In contrast with the Ramsar Bureau and the CITES Secretariat, the CCAMLR Secretariat has no partner organizations.

Relations With NGOs

Secretariat relations with non-state actors vary among the conventions, from the Ramsar Bureau's close and seemingly uncomplicated relationship with its scientific and environmental NGOs, to the CCAMLR Secretariat's covert informal relationship with Greenpeace as an essential data source.

Ramsar

There is a long history of cooperation, collaboration and mutually beneficial relations between the Ramsar Bureau and national and international NGOs. This is probably not surprising given that Ramsar evolved from the efforts of scientists and NGOs.

CITES

The CITES Secretariat's formal relations with international NGOs are generally sound. However, 1989 was a low point in Secretariat/environmental NGO relations. It personified the key philosophical divisions in CITES: North/South and nature conservation/sustainable use. It has taken from 1989 to 1995 for the Secretariat to overcome much of its sense of betrayal resulting from the NGO attack on the impartiality of the Secretariat and its executive head in their management of the ivory trade issue. A degree of organizational wariness and lack of trust about the intentions of outsiders still lingers. CITES Secretariat personnel were very accessible and supportive of my research but in contrast with the friendliness and openness of the Ramsar Bureau, they were understandably more cautious in discussing how the Secretariat performed in situations of tension or conflict. However, the personnel of the CITES Secretariat were certainly less suspicious of outsiders such as myself, than were some CCAMLR Secretariat personnel.

The CITES Secretariat has also facilitated the rebuilding of strained relationships between some range states and Northern NGOs. The 1994 Lusaka Agreement on African wildlife management is a recent example. As one Secretariat member put it,

> staff had to work overtime on the Lusaka Agreement to overcome Parties' resistance and suspicion that the Lusaka Agreement was another 'Horse of Troy' [concealing the 'real' intentions of Northern environmental NGOs]. There was resistance even in the Secretariat. This kind of diplomacy gets on nerves of technical staff of the Secretariat who don't always understand that immediate results are not always possible or obvious, and that it doesn't work like that. You have to overcome cultural differences and use different approaches for different situations---not all the staff are born politicians(Pers.Com.Sec.,1995).

In this situation, Secretariat missions and lengthy, face-to-face discussions with all stakeholders, plus UNEP assistance, finally persuaded African governments to sign the Agreement.

CCAMLR

The CCAMLR Secretariat maintains good relations with a range of international fisheries organizations and the IWC via regular formal and informal electronic, written and verbal communications with their secretariats; attendance at relevant meetings; and data and information exchange. The CCAMLR Secretariat has little direct interaction with environmental IOs.

CCAMLR relations with environmental NGOs have been historically very uneasy, and often sources of conflict. Several of the whaling and fishing nations such as Japan and Norway have been very outspoken in their opposition to formal interactions between the CCAMLR Secretariat and environmental NGOs. As a result, the Secretariat's relations with environmental NGOs are very cautious because of the historical and persisting opposition of several governments to environmental NGOs. As a result, the Secretariat's relationships with environmental NGOs, especially with Greenpeace, are predominantly informal.

Greenpeace keeps the Secretariat informed of its scientific research activities and its monitoring of illegal fishing. The Secretariat has found Greenpeace data to be accurate and extremely useful (Pers.Com.Sec.,1995).

Secretariat relations with fishing industry organizations appear sound and do not seem to be a problem. Vessels fishing in CCAMLR waters are required to keep catch data for submission to the Secretariat, and the Secretariat liaises with industry organizations to train and encourage their members to keep accurate records. It is, however, up to a vessel's master, to honestly and accurately keep these records. Vessel logs alone are notoriously unreliable as records of catches.

The previous Executive Secretary appears to have had a more relaxed attitude to working with environmental NGOs than the current executive head who comes from a background in Spanish fisheries management background. The current head has strong links with fishing industry organizations and from

his comments when interviewed, he seems more comfortable in this milieu than in that of environmental NGOs.

Overcoming Financial Constraints

Late and/or Non-Payment of Contributions

Persistence and persuasion are the primary strategies IOs use to chase up late and non-payment of national contributions. This is a resource-intensive and costly exercise in terms of down-time for the personnel of all secretariats, as in all my cases it is the executive head, who of necessity, has made the collection of contributions a personal crusade.

Ramsar

In Ramsar's case, the majority of non/late payment follow-ups is done by senior Bureau members and the Secretary-General personally. To be effective, in targeting senior members of national governments, such as finance ministers, persuasion needs to come from secretariat personnel with international authority and status. The executive head of a secretariat is charged with the ultimate responsibility for this task, and all past and current heads admitted to having to make 'contribution-chasing' a personal crusade if it is to have the required effect of pulling in outstanding contributions.

Formal and informal approaches are used to chase up contributions. They include formal letters from the Bureau to governments; telephone calls; and informal approaches to relevant national bureaucrats and government representatives and politicians at international meetings and on missions. Partner organizations UNEP, IUCN and IWRB, can also indirectly and informally bring pressure to bear via their IGO and NGO networks, and secretariat reports to CoPs and Standing Committees publicly identify the countries which have not paid.

In 1995, the interim Secretary-General of Ramsar also reported that his 'threat' about the pending bankruptcy of the convention (and the Bureau) if national contributions were not immediately forthcoming, was very effective

in ensuring that Ramsar members paid up (Pers.Com.Bureau, 1995). An additional factor in the prompt response he received, could well have been the political leverage that this executive head carried. He was a long-standing and highly respected member of the Canadian delegation on short-term loan to the Bureau. He was not a permanent international civil servant.

Chasing up contributions as described, is however, a very inefficient use of senior executive time. In any private sector corporation it would be the lower level financial managers and administrators not the managing director, who chase up overdue accounts, which is, after all, what these contributions are.

CITES

Like CCAMLR's former Secretary-General, the current Secretary-General of CITES has made the collection of members' contributions a personal priority. He maintained that it is only by repeated and persistent, formal and informal, verbal and written contact, that countries can be nagged into paying as close to the due date as possible.

Predictably, the CITES Secretariat has not been able to overcome problems associated with in-country competition among agencies for the declining international convention dollar. It regularly suggests to governments in CITES, UNEP and GATT forums that they should be more consistent in their internal decision making, so that national trade decisions do not create undue competition for environmental issues in the allocation of national funding resources.

CCAMLR

Collecting national contributions on time is a problem for the CCAMLR Secretariat, but the Commission ruling that if Parties' contributions are 2 years late they cannot take part in decision making, appears to have been an effective deterrent of persistent late payments. As with the other secretariats, CCAMLR executive heads have made the collection of contributions a priority, much of the persuasion taking place informally and supplemented as required by formal correspondence.

Chronic Inadequacy of Contributions

Problems resulting from a chronic inadequacy of funds are common. All three case studies had similar difficulties, and all three secretariats commented that since 1992 their funding difficulties had been aggravated by the convention fatigue of national governments, and the fact that older environmental conventions such as Ramsar and CITES were now in competition for more limited national funds, with the more recent environmental conventions including the CBD. All the secretariats argued that this situation called for greater cooperation among environmental conventions. However, the bottom line is the survival of individual secretariats and conventions.

Ramsar

Where Ramsar is concerned, chronic funding problems are dealt with by creatively identifying opportunities to obtain additional financial resources, particularly from those countries that are the most supportive of Ramsar and that can afford make additional funds available. Additional funding may be tied or conditional funding, such as project-specific finance.

According to Bureau members, fund raising takes a lot of time and 'leg work'. Networks (individual, bureaucratic, scientific/expert, and NGO) are invaluable in identifying potential sources of funding. However, these *ad hoc* strategies cannot solve the underlying problem of the inadequacy of reliable and regular funding to perform the multitude of Bureau core and substantive tasks.

Additional or external funding usually comes in the form of project funding. This is used predominantly for capacity building initiatives in developing countries; for specific projects such as the compilation of wise use guidelines; or very occasionally to support a Bureau position for a limited period of time until more secure funding (core funding) becomes available. The Neotropical Technical Officer Position in 1994/95 was an example of US funds being used

temporarily to establish the position. In 1996 the position was transferred to core funding following approval by CoP6.

Another strategy that has been used to enhance the Bureau's financial leverage is that of putting proposals to the parties for their endorsement. The Bureau comes up with an idea for a project, develops a proposal and budget, and then argues the case for funding with the members. This approach has been used to secure financial support for the development of wetlands directories and. As one Ramsar official commented,

> None of it is in the treaty, but we decided to go this way. We made proposals to the parties, we included things in the budget and we argued our case. For special activities we were able to find external support from countries or WWF or other organizations. You need to have ideas first, then money--if you [the secretariat] have good basic idea then the money comes (Pers. Com. Bureau, 1995).

The original text of the Ramsar convention made no provision for funding its triennial CoPs. This has created significant problems for the members as the convention is legally required to hold its CoP every three years, even if it has made no financial provision for such. To date, this problem has been dealt with by *ad hoc* measures. Bureau members use personal in-country networks and contacts to persuade potential host countries to cover the costs associated with convening a CoP. International prestige, opportunities to shape the Ramsar agenda and so influence future outcomes, and the economic multiplier effects of an large influx of international visitors, are the incentives used by Bureau members to persuade countries to host a CoP. In 1996, Australia paid the majority of expenses incurred in holding Ramsar's 25th anniversary conference, CoP 6, in Brisbane, Australia. Host country support is supplemented by support in cash or in kind, from other countries, partner organizations and NGOs such as WWF. So far so good in Ramsar's case.

Funding for CoPs remains both a financial and a political problem for Ramsar as developing countries cannot afford to host expensive CoPs. However, in the interests of equity, harmony and international cooperation, Ramsar has recognized that CoPs should be held in developing and well as developed

regions. In 1999, Costa Rica will host CoP7, and the USA has agreed to underwrite the costs of this event in the interests of international diplomacy.

CITES

The CITES Secretariat's most serious financial problems also relate to a chronic inadequacy of funds, especially for projects such as capacity building in developing countries. As with Ramsar, the CITES funding situation has been aggravated by the convention fatigue of governments, and in-country (as well as international) competition for national contributions with other environmental conventions.

In its search for project funding the CITES Secretariat gets around the potential problem of being seen to be captured by donor interests, by ensuring that it only accepts project funds from those organizations on the list of donors approved by the Standing Committee.

After the ivory debacle when some environmental NGOs accused the Secretary-General of being paid by traders, the Secretariat has been particularly careful only to accept funds from formally approved sources. However, both environmental NGOs and traders remain concerned that CITES enforcement remains limited by the availability of funds and resources. In the case of environmental NGOs, their enforcement concerns relate to optimizing species conservation. For traders, their enforcement concerns relate to optimizing the survival of species for legal trading purposes.

By 1997, the Parties had endorsed the CITES' Secretariat's recognition of the importance of capacity building initiatives and external project funding for the successful implementation of the convention, a Capacity Building Unit was created within the Secretariat, and two new professional officer posts were advertised at P3 and P4 levels. They are contract positions for two years each and are renewable. The new appointees have regional coordination responsibilities for North America and Oceania. The express purpose of these appointments is to boost the capacity building program of the Secretariat including training, public awareness, project management, fund raising and

liaison with international financial institutions on behalf of the Secretariat. (CITES Sec. Vacancy Announcement No. NA-97-34, 26 November, 1997).

CCAMLR

Chronic funding inadequacies restrict the CCAMLR Secretariat's organizational capacity to provide even core services such as translating and interpreting services to its members.

The CCAMLR Secretariat does not undertake fundraising or capacity building initiatives as do the Ramsar and CITES secretariats, nor does it have ready access to external project funding (except for the occasional SCAR input for scientific projects), although CCAMLR members as a group are generally more prosperous than are many Ramsar or CITES members. Instead, the CCAMLR Secretariat relies almost entirely on member contributions and the preparedness of members to increase their contribution levels. In the absence of a trust fund or similar financial mechanism, the organization depends heavily on the generosity of individual countries to obtain extra funds for specific purposes. CCAMLR members, in spite of their relative affluence and the low cost of their annual CCAMLR contributions have been most unresponsive to the Secretariat's repeated requests for additional funds to employ interpreters/translators and administrative staff, and to introduce new technology such as computers and a VMS to upgrade the effectiveness of its monitoring activities.[2]

Of the three conventions, the CCAMLR Secretariat remains the most resource dependent on its members. I found no evidence to suggest that the Secretariat had demonstrated initiatives to counter this dependency. For example, I detected no evidence to support the notion that the Secretariat had made an effort to build alliances with environmental NGO as a strategy to exert political pressure on national governments to increase their funding support

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[2] The CCAMLR formula for calculation of Member Contributions does not follow the UN Scale of Assessments. Calculation of CCAMLR contributions is based on a relatively complicated percentage formula per tonnes of finfish and krill harvested, calculated as the average catch over a three year period, with a maximum percentage of total contributions by any harvesting country being fixed at 25%.(CCAMLR-IX, 3.10, 1990).Since 1990, attempts by the Secretariat to persuade members to review the formula have been unsuccessful.

for secretariat monitoring activities such as the installation of a VMS. This lack of organizational activism might reflect the reluctance of the present Executive Secretary to demonstrate leadership in this regard. The Secretariat's reluctance to form relationships with environmental NGOs may also reflect the executive head's greater degree of comfort with fishing industry organizations rather than with environmental NGOs. This in turn might well be a reflection of his professional background in the Spanish fishing industry.

External or Project Funding

The dilemma for all international agreements and their IOs is that funds are becoming increasingly hard to find, and that in reality, all offers of funding are seriously considered and 'gratefully received' in the convention's interests.

The Ramsar Bureau concedes that tied funding is both a benefit and a problem. Government decisions to make funds available are ultimately the prerogative of the donor country and they often tend to favor high-politics, issue-areas such as trade or security issues rather than Ramsar issues. The Bureau attempts to overcome allegations of the preferential treatment of certain nationals in the disbursement of members' project funding, by arguing the merits of a project and the need to build in-country structures and mechanisms to ensure technology, skills and information transfer (to sustain Ramsar objectives on site). To overcome the potential problems associated with failure to transfer knowledge, skills and technology from developed to developing countries, the Bureau tries to argue the case with the donor country for training and skills development to remain in the recipient country in order to achieve the conventions objectives. The aim here is to ensure that the expertise imported using external funding, does not depart with the donor nationals. Bureau personnel also use their in-country networks with NGOs, academics, experts and bureaucrats to link projects, parties, and donor nationals with appropriate in-country personnel and to informally monitor these capacity building activities.

To overcome stakeholder perceptions of Bureau capture, the Bureau reports all expressions of financial support to the Finance Committee and prepares reports on activities that have taken place for each CoP.

Bureau personnel spend an inordinate amount of time fund raising for capacity building projects. This is regarded by the Bureau as an essential activity if the convention is to achieve its objectives. However, fund raising is very time consuming time. It is undertaken by the Bureau's professional officers, often at the expense of other Bureau tasks including technical advice and monitoring (Pers.Com. Bureau, 1995).

Networking with international financial institutions such as the GEF Secretariat, and time spent by boundary-spanning personnel in raising international awareness of Ramsar within countries and among NGOs, are the primary strategies used by the Bureau to address the funding problem. As a senior Bureau member pointed out, countries are members of multiple conventions, some of which have more ready access to international financial resources than others. So, if bureaucrats in a country think that one particular convention is going to bring money into the country, then that is the convention that gets priority attention. In 1995, the CBD was a high political priority, so Bureau personnel encouraged Ramsar members to focus on the biodiversity dimension of wetlands and so be eligible for funding under the terms of reference of the GEF.

The Ramsar Bureau has actively worked on building links with the GEF and the World Bank, the Development Assistance Committee of the OECD, and regional financial institutions such as the Asian Development Bank and the African Development Bank. In 1994/95 the executive heads and professional personnel of the Bureau, GEF officers and CBD Secretariat personnel met to discuss regional projects and multilateral country projects such as the management of transboundary wetlands through the formation of partnerships among countries and NGOs.

This partnership approach is new for Ramsar (Ramsar, Doc. C4-12 (Rev.1)). Prior to 1995, it seems that most wetlands projects had been funded as individual country endeavors, and multilateral, cooperative approaches such

as that described for Lake Victoria had reportedly been discriminated against in the World Bank's funding assessment process .

According to a senior Bureau officer, in 1995 the GEF had $2.5 billion to spend and it had more projects than money, but no criteria for rejecting proposals nor any conservation criteria for determining among "good" and "bad' projects. GEF decisions to fund specific projects were thus based on the GEF's response to lobbying by governments, non-state actors, and pressure from major donor interests (Pers. Com. Bureau, 1995).

In Ramsar's case, the Bureau tries to make sure any project proposals put forward for funding are "sound in both South and North eyes"(Pers.Com. Bureau, 1995). The Bureau has learned from experience how to couch proposals so that Northern countries will understand what a good project looks like and support it; how best to work with Ramsar people in the regions; and how to most effectively use Ramsar networks to ensure that good projects are matched with money and so are successful in terms of achieving convention implementation objectives (Pers.Com.Bureau, 1995). In assisting Ramsar members in the search for funds, Bureau personnel have also trained potential applicants and Ramsar colleagues in member countries in developing projects and writing proposals for funding. The new Strategic Plan supports greater Bureau initiatives in this area in the future (Ramsar Doc.6.15 (Rev.1). Under the new Strategic Plan, Bureau Technical Officers are now responsible for their own program budgets, and the Bureau no longer operates as a global budget system directed by the Secretary-General.

Another way for Bureau personnel ensure that in-country projects funded from external sources do not detrimentally affect wetlands, is for the Bureau to formally advise the World Bank on how to mitigate the adverse effects of a development project on wetlands and enhance its positive effects. That is, make the negative effects benign and the benign ones positive (Pers. Com. Bureau, 1995).

However, not all these strategies have proved sufficient to raise the increasing amount of funds needed to underwrite projects, especially in developing countries. As one Bureau officer noted, there has to be a

minimum of funds to attract parties in the first place and to offer them the possibility of doing something positive about managing their wetlands (Pers. Com Bureau, 1995). As a result of the increasing fund-raising demands on Bureau time and resources, in 1996 the Bureau put forward a proposal to CoP6 for the creation of a new Bureau position, Development Assistance Officer. The purpose of this position was to make more effective use of organizational resources by allocating fundraising to a full-time expert as mentioned above (Ramsar Doc.6.14 (Rev.1); Ramsar Doc.6.15 (Rev.1).

Unfortunately for the Bureau, the CoP rejected the proposal, as "unnecessary", perhaps an example of differing perceptions of 'essential' priorities' between the Bureau and its Contracting Parties. Yet, it seems a foregone conclusion that some parties will soon start to complain as scarce Bureau personnel resources become increasingly absorbed in the very time-consuming task of seeking funds for capacity building, a formally acknowledged policy priority of the convention.

Ramsar parties appear unable to appreciate that even the Bureau's formally approved catalytic role of matching projects and funding, as distinct from fund raising *per se*, consumes valuable professional personnel time and resources which might be better spent on providing technical advice to members and monitoring compliance.

Overcoming Organizational Capacity and Management Constraints

All secretariats have to manage external and internal change. External changes in a secretariat's environment might include a major expansion in convention membership; changes in the expectations of members which reflect changes in membership and policy emphases; and changes in the nature and availability of organizational resources. Within a secretariat, there may be changes in leadership, strategic planning and personnel. all of which impact on workloads, priorities and time management.

The steps taken by the Ramsar Bureau are an example of how one secretariat has adjusted to rapid and major change in both its external and internal environments.

The Ramsar Bureau has experienced difficulties in managing the rate, nature and scale of changes in convention membership; the Contracting Parties expectations of Bureau task performance; and changes in the convention's policy emphasis from nature conservation to land use planning and management. It has addressed these changes in several ways.

First, it is continuing to change the composition of the Bureau from an organizational personnel profile dominated by technical competence, to a more even spread of generalist and technical skills in order to promote a greater range and flexibility of limited personnel resources. A second strategy has been the development of multiskilling, teamwork and 'backstopping' of positions as intraorganizational strategies to assist personnel to manage the extra workloads and time pressures associated with external changes. Thirdly, the introduction of regionalization as the primary operational strategy of the convention and the focus of the Bureau's service delivery and work allocation, has meant that the Bureau's professional staff can now target their activities and networks more directly at 'regional niche markets'.

Regionalization of Bureau service delivery makes more effective use of the regional, local and cultural expertise, affiliations and networks of the Technical Officers each of whom comes from a country in the region for which s/he is responsible. Regional meetings are invaluable for networking. An individual's networks cannot be replicated precisely when s/he leaves. In the words of a former Secretary-General networks are not 'backstoppable'. However, the formalization of regular, regional meetings and missions means that in-country and regional infrastructures can be used as springboards for network development by incoming or replacement boundary-spanning personnel.

Personnel Management

Ramsar

Multi-skilling and team work are the most usual in-house, personnel management strategies to offset the chronic lack of Ramsar Bureau personnel

who are available to meet convention expectations and to deal with the bureaucratic demands of coordinating and managing convention implementation.

In the field, technical problems associated with site management can be reduced by working closely with partner organizations, bureaucratic colleagues, local NGOs and communities as discussed previously. As with most resource dependent organizations, the Bureau operates most effectively by forming partnerships, or alliances, with key stakeholders. This is politically astute, and on an operational level it also helps the organization to compensate for staffing deficiencies and still meet its objectives. This minimizes the risk of criticism from unsympathetic Contracting Parties which will not accept explanations of lack of staffing as a reason for the Bureau's failure to deliver policy outputs.

Another difficulty confronting Ramsar officials is that the organization has too many technical personnel relative to its total personnel establishment, and too few generalists. This imbalance creates problems for a small Bureau which needs multiskilling rather than a narrow specialist focus, to optimize service delivery. It also reflects comments made by Bureau members that the politics of wetlands management is now overtaking Ramsar's traditional scientific focus, and there is a need for personnel to be able to deal with these policy changes.

> What is being sought now are generalists, not specialists, people who are good with people and dealing with problems and issues in a wide range of subjects. They have to be politically sensitive and culturally sensitive----and to know some of the technical stuff (Pers. Com. former Secretary-General,1995).

The value of and need for multiskilling, was demonstrated previously and is evident in the thrust of the Ramsar Strategic Plan. However, the transition from a specialist unit whose credibility and authority are based firmly on its technical capacity and expertise has been uncomfortable for the personnel employed predominantly for their technical expertise. With this change in organizational emphasis, the fundamental nature of the Bureau's personnel profile and recruitment policy is changing. It remains to be seen how these

changes affect the Bureau's task performance, morale, and stakeholder perceptions of Bureau roles, functions and authority.

CITES

In CITES, the conditions of employment of CITES Secretariat officials are governed by the United Nations' ICS regulations and by relations between the Secretariat and the UNEP bureaucracy. Time delays in personnel recruitment via UNEP's bureaucratic machinery in Nairobi seem unavoidable. To overcome this, the best approach would probably be to shore up relations between the CITES Secretariat and UNEP in order to minimize the already tense situation between these two organizations which might aggravate delays in personnel appointments to the CITES Secretariat. The Secretariat remains determined that UNEP should not be able to dictate its personnel needs and it has persistently taken an assertive stance on this issue, both with is own CoP and with the UNEP executive.

The CITES Secretary-General advised that the internal management situation in the Secretariat was far from ideal, partly because the organization had grown rapidly. To deal with this, he had been trying to put new practices such as secondments from national bureaucracies, industry, and environmental NGOs in place, and he personally retained total responsibility for staff supervision, the overview of the policy of the Secretariat, and work within the UN system (Pers. Com. Sec.,1995).

Employment uncertainty remains a primary problem for Secretariat officials and organizational morale. It is directly affected by the short to medium term financial resources available to the Secretariat, namely the organization's ability to collect contributions on time. This has been one of the reasons why the CITES Secretary-General made contribution collection a personal priority. In order to introduce greater employment certainty, the current Secretary-General, Izgrev Topkov, has also tried to ensure that all personnel have realistic contracts. In 1995 these averaged between 2 and 5 years, rather than the 6 months or 1 year contracts that many personnel had been on previously.

The lack of succession planning in the CITES Secretariat (and other secretariats) could be overcome by building provision for succession planning into the strategic plans. Mentoring of junior staff by senior managers in the Secretariat, and multiskilling to ensure that all positions are 'backstoppable' in the event of an unexpected departure would be other strategies for overcoming continuity constraints. While some of these activities may occur informally and sporadically within the CITES Secretariat, internal management needs to be more strategic and systematic if the Secretariat is to retain its credibility and reputation as an activist secretariat.

I gained the impression that senior management of the CITES Secretariat is perhaps more effective in managing outwards, and in anticipating and responding to external demands and expectations, rather than managing internally. Inadequacies and oversights in internal management practices such as succession planning provisions, may well be the result of workload pressures on personnel who are seriously overloaded by stakeholder demands. Juggling stakeholder demands and inadequate organizational resources to meet often unrealistic political deadlines tend to keep personnel focused on service delivery to parties at the expense of the Secretariat's own strategic organizational resource needs. Personnel in many private sector organizations would rebel under similar circumstances. However the professional personnel of the CITES Secretariat have a 'calling'.

CCAMLR

CCAMLR Secretariat personnel were very cautious about criticizing their parties' general reluctance to acknowledge the need for additional personnel, although it was clear that the need for data analysis by the Scientific Committee and the members had increased significantly since the treaty entered into force, while Secretariat numbers had decreased. With the increase in illegal fishing in the Southern Ocean in 1997, it is conceivable that additional personnel may be needed to monitor compliance. However, I do not have enough data to be more specific here.

Data Management and Technology

Dealing with the collection, management and analysis of data and information, particularly that from national reports and compliance monitoring activities, was a significant task for all the secretariats I studied.

Ramsar

The need for a Ramsar data base was recognized by both parties and NGOs soon after the convention entered into force in 1975. Recurring questions about database operations have focused on: How to facilitate stakeholder access? How should Ramsar overcome the time consuming nature of database up-date and maintenance? How much data is enough? What sort of data should be collected? and, How should the data be analysed and by whom?

Bureau problems surrounding the day-to-day mechanics and logistics of data collection and data base management have been overcome by subcontracting the task to IWRB. The data management relationship and organizational responsibilities between Ramsar and IWRB have been formalized in an MOU. This arrangement does not obviate the need for the Bureau to continually convince stakeholders of its impartiality in its analysis of national reports and to regularly explain the need for certain sets of data, especially those relating to the monitoring of changes (and potential changes) in the ecological character of a site which have been (or might be) caused by changing land management practices and economic development.

The Bureau accomplishes sensitive tasks such as compliance monitoring by: developing standardized monitoring guidelines; hiring independent experts or consultants to participate in Ramsar monitoring teams; convening fact-finding and problem-solving forums of key stakeholders; and holding formal and informal discussions on management options with individuals and organizational representatives in its networks.

CITES

Analysing the huge volume of CITES trade data is a function of the time available to the CITES Secretariat. This creates problems for the organization's workload and time management. However, the CITES Secretariat largely overcomes problems of data collection by formally contracting out to WCMC, the primary responsibility for data management and statistical compilations (WCMC, 1995).

However problems remain for the Secretariat as there are insufficient time and personnel resources available for it to thoroughly analyse all the incoming permit data to detect infractions. This was discussed previously. Instead, the Secretariat has to rely on the random sampling of general trade data, and selective sampling in circumstances where infringements are suspected or intelligence has been received This is not an optimum situation, but the best that is achievable given the limited organizational resources.

CCAMLR

Increasing stakeholder demands for CCAMLR ecosystem management and fish stock assessment data have placed considerable pressure on the Secretariat to facilitate both the collection of this data, and stakeholder access to CCAMLR's databank. The demands of the Scientific Committee for a greater organizational capacity for analysis are also putting pressure on the Secretariat. Unfortunately the need for more Secretariat resources to meet this demand does not appear to be recognized by the parties.

To meet these demands the CCAMLR Secretariat needs more computer equipment and data management personnel, but it continues to come up against the Parties' reluctance to outlay funds to enable the Secretariat to meet even its core tasks - one of which is data management.   .

Workload and Time Management

All secretariats face unrealistic political and organizational time constraints and workloads. Almost without exception, secretariat officials see time as

their most precious resource, and time management as perhaps the most difficult organizational management task. There is never enough time to accomplish all the core and substantive organizational tasks. Time management remains one of the more intractable problems confronting treaty secretariats.

Ramsar

The Ramsar Strategic Plan prioritizes the Bureau workload to reflect the ranking of Ramsar goals and objectives in the short, medium and long-term. It is intended to help Bureau members overcome the dual problems of time and workload management. Bureau members are now required to develop individual work plans in the context of the Bureau's Annual Work Plan and the overarching Strategic Plan.

The Strategic Plan is an ambitious, and eminently rational document. It prioritizes convention and Bureau policies and tasks, gives clear operational directions to the Bureau, and no doubt it gives the Parties a sense of control over their bureaucracy, its budget and its policy directions. While the Strategic plan may serve as a general management guide, I have no doubt that in the day-to-day world of the Ramsar Bureau, the more subjective realities of trying to juggle political demands, technical needs and inadequate organizational resources, may well prevail over the rationality of this document. If so, the Bureau will continue to return to successive CoPs with requests for additional resources to accomplish the ever increasing number of tasks and responsibilities it is given by Parties who are reluctant to acknowledge (and pay for), the additional organizational resources required to deliver the effective policy outcomes detailed in the Strategic Plan.

CITES

Even with a significant increase in the personnel capacity of the CITES Secretariat since 1975 - from 2 professionals in 1975 to 14 in 1995 - there appears no way around problems associated with increasing personnel workloads and the lack of time to accomplish tasks and to respond to the

increasing demands of parties in an expanding treaty system. CITES membership increased from 21 countries in 1975 to 138 in 1997.

The appointment of the two new capacity building posts as mentioned previously, while formalizing capacity building as a strategic priority, will merely ensure that the Secretariat is expected to perform even more capacity building work, a case of supply driving demand. This could well be the case for these two new officers as training (which is very time consuming), has been identified as a priority task.

For the CITES Secretariat, it is very much a case of an organization chasing, and never catching, its tail. There is very little likelihood that the CITES Secretariat will ever obtain the resources it needs to perform to its full potential as a network manager, owing to the suspicion of most governments towards the growth of international bureaucracies and their reluctance to pay what is required to ensure effective implementation.

However, there may be room for optimism about CITES Parties' preparedness to understand and appreciate the pressures under which the Secretariat works. At CoP 10 in 1997, the CoP resolved that, any work for the Secretariat deriving from a new resolution or decision shall only be undertaken if additional funds are approved or if existing work carried out under the Trust Fund is re-prioritized at the time such resolution or decision is adopted (CITES Resolution 10.1).

CCAMLR

Although CCAMLR has only 28 parties, the demands and expectations of the parties, the Scientific Committee and CCAMLR's assorted working groups, have increased considerably since it came into force in 1982. These demands are major constraints on the Secretariat's limited organizational capacity to meet scientific data, information and documentation needs.

CCAMLR Secretariat requests for additional personnel with scientific and data management expertise to monitor compliance by analysing the convention's catch and ecosystem data, have fallen on deaf ears. Although science is the

raison d'etre of CCAMLR and Secretariat personnel need scientific expertise to oversee implementation and compliance, CCAMLR parties are extraordinarily resistant to the Secretariat having the professional personnel and organizational resources it needs to meet minimum expectations, even though as one delegate commented, there is a lack of depth in the Secretariat's professional personnel profile (Pers.Com. Delegate, 1995). It is as if the Parties resent the Secretariat having a piece of the scientific action, although they have agreed that the Secretariat has a key role in monitoring implementation and compliance, and that it needs scientific and data management expertise to do this.

From the Secretariat's point of view, its organizational credentials depend on its scientific and data management expertise, including the ability of its translators to understand and accurately translate, complex scientific concepts and language. To deal with the unevenness of the intersessional workload of these personnel, the Secretariat recruits and/or trains interpreters and translators as multiskilled personnel who can perform other essential Secretariat tasks, in particular data input. As one Secretariat official put it, there has to be a great deal of flexibility else the Secretariat could not work. Job descriptions are mutable, there are no clear-cut distinctions between jobs, as the organization needs the capacity to take up extra work as it arises (Pers.Com.Sec.,1995).

This 'flexibility' does not, however, solve the problem of workloads and time management. All personnel commented that the workload was too much for a small staff having to prepare for and to deal with annual conferences which in themselves are enormously time consuming. Time spent servicing core tasks such as annual Commission and Scientific Committee meetings and intersessional Working Groups (which meet at least once between Commission meetings), means that little time is available for substantive tasks such as monitoring compliance.

Travel

Travel costs for secretariat personnel, while being the first line item to be cut in budget 'pruning' by CoPs, appear to be less of a concern for Ramsar Bureau

and CITES Secretariat officials than they are for their CCAMLR Secretariat colleagues. The costs of CCAMLR Secretariat travel to meetings are directly related to the geographical isolation of Tasmania from the Northern Hemisphere which is the location of many of the intersessional Working Group meetings. Travel is essential as Secretariat officials are required to act as facilitators and rapporteurs at these meetings.

In 1995, the Secretariat's travel budget was reduced by A$12,000 to A$25,200, a significant amount for a geographically isolated and resource poor organization (CCAMLR-XIV, Annex 4, 1995; CCAMLR-XV, Appendix 11, 1996). An inadequate travel budget remains a constant operational constraints for the CCAMLR Secretariat. It can only be resolved by an increase approved by the parties whose reluctance to approve what they see as any additional Secretariat expenditure is well known.

Achieving Social and Cultural Diversity

Managing External Diversity and Regionalization.

Regionalization is a two edged sword for most secretariats. On the one hand, secretariat participation and exposure "on the ground" in the regions increases the organizational standing of the secretariat as the treaty representative in the region. Regionalization also facilitates more appropriate service delivery by increasing the secretariat's first-hand knowledge of national and sub-national needs. On the other hand the demands of servicing widely differing and far-flung nation states and cultures from a central locale (Switzerland for CITES and Ramsar), or a geographically remote location (Tasmania, Australia, for CCAMLR) are very taxing on the boundary-spanning personnel who do most of the travelling.

Ramsar

The Ramsar Bureau deals with the potentially negative impacts of regionalization by building up a critical mass of in-country and regional Ramsar expertise through networking, missions, training, regional meetings, and the establishment of national and regional infrastructures including

national policy committees and transboundary partnerships. As Ramsar only formally adopted regionalization in 1995, I estimate that the next five years of regionalization (as the structures and processes are put in place and are 'field tested') are likely to be the most difficult for the Bureau. Thereafter, even if the original personnel in each region leave the Bureau, the basic national and regional frameworks should be sufficiently established to withstand the inevitable temporary dislocation caused by a change of personnel.

In this period, the positions of regionally-based Ramsar Liaison Officers which were created in 1996 should be sufficiently established to reinforce a Ramsar presence in the regions (Ramsar Bureau, 30 September, 1997). They should also consolidate and expand the work, and the networks of Bureau personnel; and minimize the potentially adverse effects of personnel turnover in the Bureau by providing continuity, a visible and accessible convention presence, and by facilitating easier access to convention resources.

CITES

Regionalization of CITES implementation initiatives, and the allocation of regional responsibilities to specific Secretariat personnel have been instrumental in building trust between the CITES Secretariat and its Parties. Trust is fundamental to managing the ideological and philosophical divides that continually plague CITES. Within the regions, Secretariat personnel formally and informally convene and facilitate meetings among countries, and among officials and stakeholder interests within countries on issues of concern.

For example, a CITES Secretariat official actively facilitated the imaginative resolution of a caiman management problem in Venezuela. Here, cattle ranchers, local communities, environmental NGOs, traders and the government were at odds regarding how to resolve the problem of the protection of caiman and caiman habitat, while still meeting the needs of local residents for food. Ranchers also sought a resolution to their problem of calves being killed by caiman, while traders were concerned about a sustainable market for caiman skins.

Following lengthy discussions with all parties, separately and together, the Secretariat official suggested a solution that met the needs of all the interest groups. His solution was accepted by all. The caiman habitat was protected; a locally-based harvesting enterprise was established which minimized illegal kills as the skins were carefully tagged; cattle ranchers were reassured that caiman numbers were being controlled; and by persuading the local Roman Catholic bishop that caiman were 'fish' the locals were allowed to eat harvested caiman over Easter, which coincided with the period when the caiman were harvested. Prior to the church's pronouncement that caiman could be considered 'fish', (as distinct from 'meat'), the caiman carcasses had been discarded in a community which experienced severe poverty and malnutrition (Pers. Com. Sec , Menghi, 1995).

CITES officials also provide direct interpretive advice to members on how they might implement the convention. From their institutionally central position in the treaty network, secretariat professionals are able to provide members with examples of how other countries with comparable problems have gone about resolving them.

Training programs are regarded by all stakeholders as particularly valuable trust building and problem-solving opportunities, and they provide non-confrontational forums for informally addressing issues of mutual concern such as the management of illegal trade. Informal regional forums such as training courses are less threatening for participants and do not involve the loss of face nor force countries into public positions, unlike formal forums such as Standing Committee meetings and CoPs. Constructive and sustainable outcomes are thus more likely. Training venues also provide good testing grounds for government and NGO representatives to informally try out new ideas and/or policies on each other before putting these suggestions to the formal decisionmaking forums of the convention.

CCAMLR

Concerns of non-Anglo CCAMLR Parties about "Anglo" bias in information dissemination and advice, have been mollified by increasing the cultural diversity of the Secretariat's personnel profile (Pers. Com.Sec.1995). For

example, the appointment of a Spanish national to replace the retiring Australian executive head, and the appointment of Japanese translators and interpreters even though Japanese is not an official language, appear to have addressed many of these problems. However, it seems to me that many of these concerns were more to do with perceptions of bias and cultural discrimination, rather than with direct evidence of Secretariat bias in favor of "Anglo" members. Had the latter been the case, it is most unlikely that the former Australian (Anglo) Executive Secretary would have had his term of appointment renewed twice.

Managing Internal Diversity: Organizational Diversity and Credibility.

Recruiting secretariat personnel from different cultures, language groups, and countries in the regions for which they are responsible has certainly added to the organizational credibility of treaty secretariats. However, the nature and emphasis of the difficulties experienced by the secretariats varies considerably.

Ramsar

Regionalization has helped overcome a perception of the Ramsar Bureau as being captured by the developed countries of the convention; the stigma of lucrative UN salaries for Bureau personnel; and the location of the Secretariat in Switzerland. Getting 'out and about' in the regions, has not only increased countries' understanding of Ramsar, but it has increased opportunities for Bureau personnel to formally and informally build trust among stakeholders. It is unlikely that this could have been done as successfully by a centralized operation located in the cultural and geographical heartland of Europe.

CITES

In the case of the CITES Secretariat, tension exists between the pragmatics of ensuring organizational survival by acceding to political pressure for geographical representation in the Secretariat's workforce, and the ICS merit principle (appointment on the basis of merit alone).

The CITES Secretariat is adamant that it needs the best person for the job and that merit should prevail if the parties are serious about wanting CITES to succeed. Advertising internationally, and the UN requirement that formal position descriptions and selection criteria be used in the selection of personnel, serve as measures of protection against pressure from individual countries wanting the Secretariat to appoint their own nationals. Appointments as the result of national pressure might meet the geographical distribution and regional representativeness needs of the Parties, but staff appointed in this way might not have the necessary professional credentials to meet the organization's requirements. The appointment of professionally substandard personnel would have a profoundly adverse impact on the Secretariat's performance and credibility, based as it is on specific professional expertise. Secretariat management is determined to avoid such repercussions in the interests of both convention success and organizational survival.

CCAMLR

The CCAMLR Secretariat has similar concerns to those of the CITES Secretariat.

> With small and medium sized secretariats you can select personnel subconsciously with your kind of philosophy. When organisations get larger, you don't select all staff. Look at the CITES Secretariat [where UNEP is directly involved in recruitment process] (Pers.Com.CCAMLR Sec.1995).

These are the comments of the first CCAMLR Executive Secretary who personally selected all his staff. The size of the Secretariat has not increased appreciably since those days, and the current Executive Secretary remains directly responsible for personnel recruitment and selection. Both the past and the current executive heads conceded that direct responsibility for the selection of the 'right sort of personnel' was perhaps one of the only advantages of having such a small staff. The Secretariat has four professional staff, including the executive head.

The persistence of tensions and conflicts among scientists along Anglo/non-Anglo lines and has meant that the CCAMLR Secretariat has had to make sure that it is, and is seen to be, scrupulously even-handed in its relations

with all scientists, and that it provides special, affirmative action assistance to help non-Anglo scientists gain access to prestigious English language scientific journals. This tension is being dealt with in two ways. First, the publication of joint Secretariat-scientist papers; and second, the introduction of the CCAMLR science journal to ensure equity of access to publication by all CCAMLR scientists.

A Secretariat official has now been nominated specifically to assist scientists in preparing papers for publication in the new CCAMLR journal which he edits. The introduction of this peer-reviewed, international scientific journal published by the CCAMLR Secretariat, has provided a further outlet for the scientific research of non-English speaking scientists in the international scientific marketplace.

Professional personnel have no compunction in taking the initiative and in making suggestions to the Scientific Committee (Pers.Com.Sec.,1995). According to one Secretariat member, the Secretariat has very good communications with the Chairs of both the CCAMLR Commission and the Scientific Committee. The Chair of the Commission (in 1995) was described as a "correct diplomat" who preferred to use formal channels of communication, rather than informal channels of interaction, with the Secretariat and the Parties. In contrast, the Chair of the Scientific Committee was described as "more proactive---CCAMLR is his life," and was less hesitant in asking the Secretariat for its advice and opinions on difficult questions of precedent and action (Pers. Coms. Sec., Scientists, 1995).

However, it is difficult for the CCAMLR Secretariat to demonstrate political initiatives in relation to the advice it gives the Commission on the action CCAMLR might, or should, take in response to the receipt of inspection data on illegal fishing. Here, the Secretariat tends to "go by the letter of the law"(as distinct from its more informal and proactive interactions with the Scientific Committee) (Pers. Com. Sec. 1995).

Secretariat personnel also use the CCAMLR Journal to get their opinions heard, and they ensure that they maintain an active involvement in CCAMLR scientific networks (Pers.Com.Sec1995). As one Secretariat official

commented, "we use informal networks [including scientific networks] to advance the work of CCAMLR, as general formal, follow-up on decisions can be a waste of time" (Pers.Com.Sec.1995).

It is the individual scientific credentials of the Secretariat's professional personnel; their participation in scientific working groups as rapporteurs and as facilitators of problem-solving; their critical role in data analysis and interpretation; their preparation of the first drafts of meeting reports; and the publication of aspects of their own research, that are critical factors in retaining the Secretariat's professional credibility and its linkages with the network of national and international scientists that drive CCAMLR.

Dealing with Organizational Loyalties and Leadership

National Government Influence

From the literature on IOs, including that of Weiss (1976), McLaren (1980), Pitt and Weiss, (1986) and Mouritzen (1990) I had expected to find evidence of direct or subtle attempts by national governments to influence their nationals on secondment to IOs. That is, I expected to find that pressure from home governments would be a relatively common occupational hazard for secondees. However, I found little evidence that this was the case with only two countries being cited directly as offenders in this regard over the lifetime of all three secretariats. One country was named as being a consistent offender in two secretariats, Ramsar and CITES.

National government influence seems most likely to pose a problem for less experienced officers who are uncertain how to deal with advances from more senior national bureaucrats, and those officers who are concerned with career advancement back home. Mentoring and direct support (and if necessary intervention) from senior Secretariat personnel are the most effective ways to help staff deal with this issue.

Ramsar

The Ramsar Bureau employee expressed considerable anger at what were seen as attempts to intimidate and influence the impartiality of an international civil servant. In this instance, the personal philosophy and professional ethics of the Bureau employee appeared to be at odds with those of the national government of the day, and the person concerned seemed to have sufficient inner strength or sense of self to resist considerable political and bureaucratic pressure to conform with national cultural expectations.

Each attempt to influence the Bureau official was apparently reported to the senior management of the Bureau which eventually 'suggested' via informal verbal and then formal written channels that the government in question should desist. However, the delicate line here for the Bureau was that the country in question was, and still is, a major contributor to both core and project funding.

I was told that this did not in any way restrict the actions taken by the Bureau to dissuade the government from interfering in the activities of its national. Cynically, I wondered if it just forced the country concerned to be more subtle in its activities.

CITES

Direct pressure from one country on its national(s) in the CITES Secretariat is an ongoing problem. This same country poses a problem for the Ramsar Bureau. In the CITES Secretariat, the situation has been monitored by senior managers of the Secretariat, including the supervisor of the officer who is being subjected to overt pressure from the officers' home country.

For the CITES Secretariat to directly challenge the country for attempting to interfere with, and influence, its national in the Secretariat, would not be wise. The country is likely to hotly deny the allegation; its national is likely to suffer professionally on return home; and the Secretary-General could well be at risk of censure or dismissal as a face saving exercise for the country against which the allegations are made. Instead, senior CITES Secretariat officials

have informally used missions, informal forums and 'hallway discussions' to quietly ask the country to desist from its activities. However, in 1995 the Secretariat had little success. I suspect that there were several reasons for this. First, the national concerned was young, had limited experience in dealing with such a situation, and second the officer had long-term, in-country, bureaucratic career ambitions. This official also appeared to have less of a 'calling' than his/her Ramsar counterpart.

CCAMLR

During the Cold War, it seems that the former USSR attempted to put pressure on its national in the CCAMLR Secretariat to release data on the location and extent of fisheries stock, having first pressured the parties to support the secondment of a Soviet national to the Secretariat in the interests of geographical representativeness (Pers. Coms Sec.1995). The official concerned is still with the Secretariat and he commented that since the dismantling of the Soviet Union, this pressure has ceased (Pers. Com. Sec.1995). I found no other information to suggest or support alternative scenarios.

Leadership Constraints

Any person who takes on the position of executive head of an organization such as a secretariat where the ultimate authority and decision making power is vested in a larger decision making body can only be described as a risk taker. As such, an executive head should be prepared to exert influence as a figure of some international authority in her/his own right. The converse is that, as the public face of an international agreement, an executive head also has to accept the attendant risks of scapegoating and public humiliation that unfortunately occur when a CoP disagrees with the policy recommendations made, or the initiatives taken, by its secretariat.

Executive heads can choose to deal with these constraints in several ways. They can play safe, remain the passive servants of the parties and restrict their activities to core tasks and tasks clearly defined by the CoP. Second, they may become the pawns, captives or, as Mouritzen (1990) puts it, 'the instrument of

a powerful treaty member or group of members'. Third, an executive may take an independent stance based on ICS norms of internationalism and impartiality. A fourth option might be to alternate among these tactics depending on the issue or set of circumstances. The latter strategy could be a hazardous undertaking as in choosing this approach, a leader risks being perceived as inconsistent, unreliable and even untrustworthy. These perceptions then jeopardize his/her individual professional credibility and longevity in the position. Such a leader may also lose his/her reputation for impartiality and may well lose the support of secretariat staff who fear being tarnished with the same brush.

Ramsar

In the case of the Ramsar Bureau, the position of executive head appears to have been redesigned in the wake of the departure of the first Secretary-General, Dan Navid, after the Kyoto conference. Prior to that, the executive head appears to have had a relatively free reign, assisted by the rather unstructured beginnings of the convention and the lack of financial and management infrastructure of the convention. This meant that the first Secretary-General and senior Bureau personnel were able to take advantage of the hiatus. They had considerable leeway in shaping the policy directions, information, communication and financial structures and management of Ramsar. Decisive leadership and initiative were called for, and certainly Ramsar made little international headway until the permanent secretariat was established and an executive head installed.

For those leaders who choose an activist path, the risks might be great but so are the professional and personal rewards, for those who see the convention as a 'calling'. As an incoming Ramsar Secretary-General said it is easier to seek forgiveness than to ask permission - although presumably you need to choose your battles carefully as the first Secretary-General found out. It seems that if an executive head is are prepared to take the blame for errors which are not of his/her doing, the executive head can ultimately be very successful.

Whatever the 'real' reason for the departure of the first Ramsar Secretary-General, it has certainly afforded the CoP an opportunity to rein in the

independence and potential influence of the office using the tasks and responsibilities of the Bureau as outlined in the Strategic Plan to define the limitations and accountability of the office. On the other hand an astute executive head could gain a measure of protection from the Strategic Plan by creatively interpreting its intent to justify his initiatives. The Strategic Plan could also act as a safety net against members' criticism of Bureau action, even if strictly speaking, the actions are not encapsulated in the Plan. The Strategic Plan also gives the Bureau a yardstick against which stakeholders can measure its performance, and conversely against which the Bureau can argue its case for additional resources at the next CoP. The success of the Bureau's argument for additional resources will depend in large measure on the persuasive powers, networks and ultimately the influence of its new executive head.

The problems surrounding Ramsar's inability to limit the term of appointment and to dismiss, if necessary, its executive head have now been overcome by the adoption of a standard fixed term of appointment with only one renewal of the term of appointment. This is a standard device used by governments to control the executive heads in most conventions. The terms of office of the executive heads of the CITES and CCAMLR Secretariats are similarly structured.

CITES

Dismissal of the former CITES Secretary-General, Eugene La Pointe, has had a long-term, negative impact on Secretariat morale and on the Secretariat's relations with environmental NGOs.

The 1989 leadership crisis undoubtedly rebounded on organizational credibility and morale. It was certainly a low point in the Secretariat's normally sound relations with environmental NGOs, and it appears to have adversely affected general stakeholder perceptions of the Secretariat's impartiality by raising questions about the capture of Secretariat personnel, in particular the capture of the Secretary-General, by specific stakeholder interests. Whether or not the allegations were unfounded is immaterial as once the Secretariat's relationship of trust with the stakeholders is disrupted

or destroyed on one issue, it tends to have a negative, ripple effect on stakeholder perceptions of the organization's performance on other issues.

It appears that the rebuilding of stakeholder confidence in the organizational integrity and capacity of the Secretariat has been achieved by the dismissal of the executive head as symbolic gesture to appease his powerful critics, and by the considerable 'reconstruction' efforts of the Deputy Secretary-General and the Scientific Officer.[3]

The current Secretary-General, Izgrev Topkov, was brought in from outside the CITES system *per se*, in fact from the UNEP Governing Council, to provide new leadership 'untainted' by previous association with the Secretariat. He has essentially managed the organization's 'confidence-reconstruction' phase including an internal management re-organization.

CCAMLR

The primary leadership constraints this secretariat has experienced have been the 'nationalities' of the executive heads, their philosophical approaches to the conservation/use debate, and their very different management styles. National identity as an 'issue' seems to have been more a reflection of the division among the Parties along Anglo/non-Anglo lines which mirrored similar delineations in the AT, than it was a leadership problem *per se*. More immediate constraints have been the very different styles of management of the two heads, and the extent to which each has been seen to favour either a conservation or a fisheries perspective.

Neither of these constraints appears to have been of great concern to the Parties, unlike the experiences in both Ramsar and CITES. However, some 'Anglo' delegates and scientists commented that the current, 'non-Anglo'

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[3]These officials had been with CITES Secretariat since its beginnings. Their integrity, professionalism and expertise remain highly respected, and they seemed to have retained the confidence of the Secretary-General's detractors, namely the USA and several environmental NGOs. It seems that hours of missions, meetings and personal conversations (many of which were informal) by these individuals and other Secretariat boundary spanning professional officers and personnel, were invested in the efforts to restore the confidence of the parties, traders and environmental NGOs.

incumbent is very autocratic, and his suspicion of 'outsiders' especially "conservation types" adversely reflects on CCAMLR as a transparent and accessible treaty system (Pers. Com. Delegates and Scientist, 1995). Within the Secretariat, several personnel also commented on an apparent fisheries management bias by the leadership coupled with an authoritarian style of management and a difficulty in delegating.

It was, unfortunately, difficult to determine the extent to which differences in the two styles of leadership reflected cultural differences, or the sharply contrasting personalities of the leaders which made the differences in leadership styles all the more obvious. The former Australian incumbent was described (by Anglo-interests and Secretariat personnel) as very easy-going and approachable, while the present incumbent was described as aloof and autocratic (by the same group of interviewees).

Nevertheless, in 1995, several personnel expressed frustration with the lack of delegation of functions and authority, especially when it came to dealing directly with stakeholders. In 1996 a review of the leadership and management of the Secretariat was agreed by the Parties (CCAMLR-XV, 3.22, Annex 4). To the disappointment of several(Anglo) Parties (Pers. Com. Delegates, 1995), the Executive Secretary's term of appointment was extended for a further three years. Further information on the outcomes of this review was not available at the time of writing. Given CCAMLR's reluctance to discuss its internal workings, it remains uncertain whether the results of this review will become public.

It appears that overt national government influence is potentially less of a problem than is organizational leadership. Intellectual leadership provides policy ideas and implementation guidance; entrepreneurial leadership is essential to ensure member contributions and organizational resources are obtained; and structural leadership is vital for turning organizational resources (including professional expertise and skills) into bargaining leverage. However, it is unusual for all these leadership qualities to be vested in any one individual (or executive head). Like any organization, secretariats and their leadership requirements change over time. A secretariat needs the organizational capacity and institutional flexibility to change its leadership as

it matures as an organization, or as its mission and objectives are reviewed and/re-formed. This is one reason that a limited term appointment for executive heads is the norm.

Managing Implementation Conflicts

My findings support my original belief that although implementation conflicts can be significant obstacles for secretariats, they also provide opportunities for organizational initiative in developing creative solutions for contemporary network management problems, as distinct from the traditional, reactive and legalistic solutions proposed in treaty texts.

As Pitt and Weiss (1986), Beigbeder (1988), Mouritzen (1990), and Jonsson (1993) have all noted, secretariats are an important analytical focus in international affairs and they exert an influence of their own even when the odds are most unfavorable. They also all agree that the ICS needs to be reformed to deal more effectively with the needs of developing countries as an important constituency in UN politics. Furthermore, to survive and grow the ICS needs to adjust to new realities and change threats into opportunities as developments in international politics are providing IOs with increased freedom to manoeuvre. It is now generally accepted, that the influence of IOs has the potential to increase. The extent to which it does so will depend in large measure on how these organizations manage the conflicts and disputes that arise.

This section examines how the secretariats of Ramsar, CITES and CCAMLR have tried to deal with the emergence of implementation conflicts among the parties, within countries, and between state and non-state actors. It will also examine how they have sought to deal with the intraorganizational impacts of these conflicts on the organizational capacity of each secretariat.

I believe that it is in the management of implementation conflicts, and to a lesser extent the resolution of acute, episodic disputes, that secretariats as network managers, have the potential to play a significant role as facilitators and to exert considerable influence on the achievement of positive and sustainable and outcomes. In my opinion, this is the category of

organisational constraints that offers the most opportunity for further research and for the development of an interdisciplinary approach to conflict management within complex, multilateral networks.

Conflicts among the Parties

Conflicts are an implementation norm. However, each treaty secretariat manages them differently, some being more successful than others.

Ramsar

Conflicts and disputes among Ramsar Parties over transboundary wetland issues have apparently been rare. Where they have arisen in the context of more wide-ranging political issues as with the Iran/ Iraq war, they have been resolved by invoking the objectivity of science and encouraging parties to focus on the technical and scientific management aspects of the issue, rather than getting drawn into more conspicuous political issues such as human rights and sovereignty disputes. The Bureau's role in overt disputes such as this has been very much behind the scenes. In the Iran/ Iraq case, it was involved in persuading the scientists representing the relevant countries to concentrate on the science of wetland restoration and on developing an effective management regime to ameliorate the effects of chemical warfare. It was considered that scientific problem-solving (unlike sovereignty disputes), was something which Ramsar could address and with which the Bureau could assist by providing expert technical advice and an impartial forum for negotiation.

In the case of monitoring wetland changes that had occurred as a result of the war in Yugoslavia and Croatia, the Bureau took the view that to proceed with monitoring in Yugoslavia at the request of its enemy Croatia, would be politically provocative and physically dangerous for the monitoring team. To conduct such a exercise in the face of opposition from the host country would be counterproductive for Ramsar. The Bureau thus recommended to the Standing Committee that Ramsar not respond to Croatia's request to monitor the site while hostilities were in progress. The Standing Committee agreed (Pers.Com. Bureau, 1995).

In cases of potential conflict such as the Lake Victoria transboundary wetlands management initiative involving Ramsar members and a non-member country, the Bureau's African Technical Officer through a committee of representatives from each country and key stakeholder groups, helped all 3 countries, to apply to the GEF for funds to carry out their work in eradicating water hyacinth. The officer assisted them to formulate a project that could be funded by the GEF, and to write letters requesting funding. In his words, "I see a much, much, much greater role for Bureau here [in conflict prevention activity] than it has played in past" (Pers.Com.Bureau, 1995). As the person responsible for Africa, the officer considers that he has a duty to impress on convention the need to support this kind of Bureau activity in his region.

Another comment on the value of the intermediary role of the Bureau was made by a former Secretary-General, Dan Navid. He commented that the Ramsar Bureau performs a critically important role in facilitating work on cross-border buffers because even if countries are on good terms with each other they often prefer an intermediary. This was the case when the Bureau was asked to facilitate negotiations between Belgium and the Netherlands over the use of Flemish text. There are two main reasons for this. First, countries are conscious of hierarchy among governments in international relations; second, governments are reluctant to ask for help as they fear loss of face. On the other hand, when countries work in an intergovernmental forum (such as a meeting convened by the Bureau), it is more anonymous and more evenly based [a level playing field] than if it is a direct bilateral negotiation (Pers.Com. Bureau, 1995). Navid went on to say that international cooperation work such as this is very exciting and positive for the Bureau and for Ramsar as most countries share boundaries with another country, and often the boundaries are watercourses or the wetlands affected by them.

The Ramsar Bureau has been very active in facilitating and promoting cooperation among countries in managing wetland dependent species. The creation of international flyways for migratory birds such as the African-Eurasian Flyway, and the East Asian-Australian Flyway, are two other examples of Bureau intermediary activity in transboundary issues. In fact,

Dan Navid asserts that an unsuccessful treaty can be directly traced back to lack of an active secretariat.[4]

The disbursement of Ramsar Wetlands Conservation Funds (now known as the Ramsar Small Grants Fund), and the selection of the Secretary-General in 1995 have been other sources of inter-party conflict. In the case of the former, developing countries were particularly concerned that access to the WCF would be opened up to European states with economies in transition and that developing countries in other regions would miss out. Here, the Bureau acted as an intermediary and worked with the Middle East, Hungary and a representative of the third world, on the wording of resolutions for access to the WCF. According to a senior Bureau official, the Bureau identified and then made suggestions to the parties about common ground. However, the same senior official also felt that the Bureau should proceed with caution in taking on such a role because,

> It's a very short step [from suggesting common ground] to defending a proposal, and you want to provide objective information and let the countries make the proposal rather than have the countries all fire at you. Let them fire at each other, that is, if you [the parties] don't like the proposal , don't shoot the messenger (Pers.Com.Bureau,1995).

This catalytic role has been identified in the Strategic Plan as a network management role that the Bureau will pursue more frequently in the future than it has in the past.

In the 1995 selection process for a new Secretary-General, the Bureau had carriage of the process of organizing a balanced selection committee. The committee had to represent developing and developed country interests and its composition had to be accepted by all parties. The Secretary-General was inappropriately scapegoated for problems in the process but he formally accepted the blame as discussed in Chapter 5.

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[4]The 1968 African Convention on the Conservation of Nature and Natural Resources and the beginnings of the 1979 Convention on the Conservation of Migratory Species of Wild Animals (CMS)(also known as the Bonn Convention) as examples of conventions with no permanent secretariat which he regarded as being unsuccessful in the sense that the absence of a secretariat has inhibited the implementation and development of these conventions (Pers.Com.Bureau,1995).

The Secretary-General's action in accepting responsibility for the actions of Ramsar members, was in itself an exercise in conflict management. Intermediaries rarely get thanked for their assistance in managing conflicts or resolving disputes, although they frequently get criticized and even scapegoated for the actions, or inactions, of disputants.

As a former Secretary-General said,

> If the Bureau is seen to have done something to ease a conflict, it probably hasn't done it well or done it right. So, if you don't notice the Bureau in the process of [performing] conflict resolution, that's the way it ought to function. It is a natural way of functioning as a Bureau. It's all in the attitude and it's all in the service-oriented view of the Bureau that you are always looking to make your parties happy. --it's a fine line between being pushy and encouraging and exhorting, and cagily sneaking around front and pulling a little bit while at the same time making them think it's their own idea. The work [conflict management] is done in the hallways and you work it through and try and find compromises (Pers. Com. Bureau,1995).

As another Bureau member noted in commenting on the significance of individual Bureau operatives in minimizing the negative impacts of conflicts on Ramsar implementation, "conflict management depends on personalities"(Pers. Com.Bureau, 1995).

The Ramsar Bureau certainly plays an active, if not always an obvious, role in facilitating the management of conflicts that occur during implementation. To achieve a positive outcome whether it be in preventing conflicts from arising as with Lake Victoria; helping parties to prevent dispute escalation as occurred in the Iraq/Iran war; or helping stakeholders identify common ground as a basis for moving forward in transboundary negotiations, Bureau members capitalize on their professional and technical expertise, their formal (and particularly their informal) international and in-country networks, and their knowledge of and experience in international affairs.

As was frequently pointed out by the secretariat personnel I interviewed, conflict management is not a new phenomenon for secretariats. It is a 'way of life' and this has always been the case, even if it has not been officially acknowledged by the parties.

CITES

Well-publicized conflicts and disputes occur among CITES Parties over issues such as the trade in ivory, tigers and rhinos. The most serious conflicts have been between exporting countries and consumers. According to Secretariat officials, the majority of international disagreements within CITES are caused by inconsistencies in implementation standards and enforcement measures among countries.

To minimize the possibility of conflicts among parties, the Secretariat strongly advocates the international standardization of criteria for listing species, and the adoption of CITES domestic legislation to implement and enforce the convention. Domestic capacity building initiatives, are regularly used by the Secretariat in pursuit of these objectives. Secretariat missions, formal and informal networks, including those involving in-country NGOs and scientific experts are also used to promote the advantages of standardardized of criteria and domestic implementation legislation to individual national governments.

The CITES Secretariat takes a distinctly activist role in heading off, managing and resolving conflicts that emerge or threaten to emerge. It is frequently consulted by all stakeholder interests on the most appropriate course(s) of action to take to address a disagreement. It consistently helps parties to identify and focus on the common ground among them rather than on their differences. It suggests innovative solutions to transboundary and in-country problems; and it takes advantage of the protection afforded by its formal recommendatory power to make direct and formal suggestions about what countries could do to overcome the problems they encounter as it did in relation to the trade ban on Italy.

However, not all CITES stakeholders agree that the Secretariat is proactive in its approach to conflict management. One environmental NGO representative commented that the Secretariat is not proactive about resolving disputes such as elephants, and that its approach to its mandate is too legalistic (Pers.Com.NGO.,1995). This comment seems to contradict comments made by Secretariat personnel, traders and government

representatives about the approaches used by the Secretariat to deal with implementation conflicts. It also seems either a somewhat naive or a deliberately provocative remark for an experienced NGO representative to make about an IO whose formal mandate for dealing with high profile, formal, political disputes (such as those concerning ivory), is known to be very limited; whose organizational reputation as an activist IO is well documented; and whose style of operating is of necessity, relatively low key.

A final interesting observation about the CITES Secretariat's future role in conflict management among the parties was made by a professional officer in the Secretariat. In his opinion, bilateral agreements [rather than multilateral] between countries are likely to dominate in the future management of CITES. He sees bilateral arrangements between exporting and importing states as the measure most likely to head off conflict emergence by increasing direct contact between countries instead of dealing through an intermediary such as the Secretariat or a multilateral forum where the Secretariat has leverage via its responsibilities for oversight of infractions and the preparation of reports (Pers.Com. Sec.,1995). This officer considered that countries needed to do more work on a bilateral basis so people can build up more contacts and trust among themselves by working directly with each other on issues such as timber (South Africa and Italy), and orchids (Thailand and Cuba). In the case of Thailand and Cuba, the Secretariat used project money to get a Thai representative to an international meeting where he could make the necessary bilateral (Cuban) and multilateral contacts. Secretariat initiatives such as this facilitate the international networking that is an essential precursor to all international agreements.

Indications from my research are that the ability of the CITES Secretariat to adopt a proactive approach to the management of implementation conflicts among CITES parties has been assisted by its activist role in capacity building as a conflict prevention and containment strategy. The recommendatory power of the Secretariat also bestows on the organization a formal standing that outranks that of the Ramsar Bureau and CCAMLR Secretariat in comparable circumstances. Informal, stakeholder perceptions of the organization's authority, and formal acknowledgement of the professional expertise, knowledge, and the experience of CITES Secretariat personnel in

assisting stakeholders (especially the parties) to manage and resolve implementation tensions are particularly positive.

CCAMLR

Very few of the stakeholders interviewed in CCAMLR were prepared to acknowledge the existence of conflicts among the Parties, even though there were clearly underlying tensions along cultural and conservation/fisheries lines. There were also recurring international incidents of non-compliance and censure which are documented in Secretariat infraction reports, and reports of Commission meetings where Parties vigorously expressed concern about the monitoring of illegal fishing; the incidental mortality of seabirds; and the inadequacy of national enforcement (CCAMLR-XIV,5.24,1995).

The stock response from CCAMLR delegates, scientists and the executive head of the Secretariat to my questions about conflicts, was that the AT deals with *all* Antarctic sovereignty (political) issues, including those that emerge in CCAMLR. The standard phrase was that wherever possible, political issues are 'kicked up stairs to the ATCPs to resolve'. There was however, some very limited acknowledgement of tensions among Parties such as those relating to the reflagging of vessels fishing illegally to conceal their identity as ships of CCAMLR member states. Another example, was when Poland had gear installation problems and asked for extension of 12 months to comply with CCAMLR requirements. Some Parties, including Australia, opposed the extension and the Commission rejected Poland's request. In a third instance, the Secretariat was asked by the Commission to conduct talks with Korea on its capacity (and willingness) to meet CCAMLR ecosystem requirements on seabird by-catch, by instructing its nationals to use CCAMLR-recommended tory poles and streamers to deter birds (Pers. Com.Sec., 1995).

From my interviews, it seemed to be very much a case of conflict denial and avoidance, rather than accepting the inevitable existence of tension and conflict and managing it constructively and strategically.

Secretariat members were generally a little more forthcoming than their executive head about their experiences in assisting stakeholders to manage

implementation difficulties. It was evident from the roles that some professional personnel have performed in Working Group meetings that the former Data Manager's abilities as a broker and facilitator of consensus building initiatives in these Working Groups, were greatly respected and appreciated by all stakeholders. They commented that he had helped them to find common ground and that he had suggested innovative solutions for resolving impasses (Pers.Com. Delegates, Scientists, Sec., 1995).

One former Secretariat official noted that there had been little political pressure on CCAMLR to 1995, because the initial projections of a big fishing industry in CCAMLR waters had not developed, partly because of the disbanding of the USSR. This had given CCAMLR a 3-4 year breathing space and enabled the Secretariat to do "imaginative things" (such as developing a system of ecosystem monitoring), which were then taken up by member countries. He described the Secretariat of the late 1980s as "a powerhouse of ideas whose advice was sought on all issues and was highly valued" (Pers. Com.Powell, 1995).

Several CCAMLR delegates commented that the Secretariat plays a very influential role in implementation, and has unrealized potential to be even more influential. They commented on Secretariat influence in agenda and document preparation; the role of personnel as rapporteurs in Working Groups and their responsibility for the preparation of the first draft of minutes and reports, a role that was viewed as potentially very influential. The delegates also commented on the significance of the Secretariat's role as 'chief adviser' to the Chair of the Commission in the context of CCAMLR's tradition of rotating chairs. It was considered (by these delegates) that the Secretariat's potential as a source of influence in this role is enhanced by the fact that many Commission Chairs are diplomats with no experience in fisheries management (Pers.Com.Delegates, 1995).

This tradition of the Secretariat as the primary, impartial adviser to the Chair, increases the dependence of the Chair on Secretariat briefings and advice. It thus enhances opportunities for the Secretariat to influence decision making. As one delegate put it, "The Executive Secretary runs the meetings --and the Chair is the captive of the Executive Secretary"(Pers. Com. Delegate, 1995).

Nevertheless, the Secretariat's influence also came in for criticism, with a delegate commenting that the Secretariat often fails to reflect what happens in its reporting - unlike the IWC which has verbatim records (Pers. Com. Delegate, 1995).

In another criticism of Secretariat 'inaction' in managing implementation conflicts, a scientist claimed that the Secretariat needs to be more internationally visible in promoting CCAMLR's objectives. In fact the Commission has instructed the Secretariat to,

> Get out there and strengthen [its] links with IOs (such as FAO and fisheries IOs) on contentious implementation issues, although this is a problem in the Southern Hemisphere where there are few well-structured IOs ....the Secretariat needs to get practical relations going between organizations, and increase public awareness especially in relation to CCAMLR's conservation measures, such as reducing albatross as longline by-catch by vessels in CCAMLR waters---the Secretariat is the vehicle for that [public awareness]--and its creativity [in these situations] is rewarded by increasing the Secretariat's profile (Pers.Com.Delgate and Scientist, 1995).

The profile of the CCAMLR Secretariat might have increased within the treaty system, but it remains primarily a reactive organization limited by its organizational capacity to deliver even its core products of servicing meetings, data management, and the preparation and distribution of reports. However, it also remains highly unlikely that the CCAMLR Secretariat would, by choice, adopt an activist stance to conflict management.

As mentioned, the Secretariat, and possibly the entire convention seems to operate in a permanent state of 'conflict denial'. The easy way out for scientists (who comprise the majority of CCAMLR delegates), and who are clearly uncomfortable with, and who probably lack the skills to deal with conflict situations), is to pass the conflict management and dispute resolution responsibility to the AT members to resolve any 'political' conflicts that occur. Virtually all implementation problems can be said have at least some element of 'politics'. It is, therefore, unrealistic for CCAMLR members to think that they can continue to avoid taking responsibility for dealing with conflicts such as illegal fishing, that clearly fall within their own sphere of responsibility.

As far as the CCAMLR Secretariat's conflict management role is concerned, the conservative managerial attitude of the present Executive Secretary appears to be an additional restraining factor in the exercise of Secretariat initiative. The Executive Secretary appears reluctant to recognize the value of conflict management initiatives of his professional officers including the facilitation of science-intensive negotiations or science-based implementation problems.

In-Country Conflicts

In-country conflicts among state and non-state actors can have a negative impact on both the success of secretariat task performance and on the achievement of national policy objectives. It is thus in a secretariat's self-interest (as well as in the interests of achieving convention objectives), that secretariat boundary-spanners assist relevant national and subnational actors to manage and resolve any conflicts that might obstruct the achievement of these dual objectives.

Ramsar

Conflicts among government departments within countries are perceived to be more of an implementation problem for the Ramsar Bureau than are conflicts among countries. Examples of in-country conflicts include: competition among government agencies for national resources to implement conventions; threats of site delistings as in Belgium and Finland; and dealing with the negative impacts of changes of government on wetlands management policies as in Uruguay, where there was concern that an incoming government might overturn the advances in wetlands management made by its predecessor.

In these circumstances the Bureau uses its networks and alliances particularly those with international and in-country bureaucrats, NGOs, and experts, to exert pressure on a government not to take actions that might jeopardize Ramsar site values and implementation activities. However it is not always successful. The Bureau's monitoring activities have met with limited success

in some countries where they risk becoming caught up in intensely political conflicts as was seen in the Bureau's activities in the Yugoslavia/Croatia and Iran/Iraq disputes.

However, in many cases, the Bureau can use its networks and linkages with other international institutions to overcome organizational constraints associated with its monitoring responsibilities. In Jordan, Ramsar faced the problem of the impacts on a Ramsar site of the extraction of drinking water from an oasis to supply a large city in the north of the country. Following expressions of concern from a variety of domestic stakeholders about the potentially negative impacts of this development on the Ramsar site, Bureau personnel conducted a site inspection to monitor the impact of water extraction on the site.

They found that the provision of a continuous and stable supply of drinking water was a very politically sensitive issue in the country and that it needed the application of significant financial resources which the Bureau assessed as being beyond Ramsar's financial capacity. The Bureau then enlisted the assistance of the GEF Secretariat to help stakeholders develop a cooperative solution to this wetlands management problem (Pers.Com.Bureau, 1995).

The extent, scope and influence of a secretariat's primary or first level networks with stakeholders have a multiplier effect as members of these primary networks are in turn networked to other individuals and organizations within a country and external to that country. Together, these multiple, formal and informal networks constitute a dense web of linkages, interactions and processes which can be mobilized in a convention's interests. Central to the structure, functions and mobilization of this web is the secretariat as the 'boundary guardian' of convention values, goals and objectives (Mouritzen,1990) .

Environmental NGOs are networked at all levels within a country from ministers and senior bureaucrats, to experts, academics and local communities. NGO networks exert direct political and electoral pressure on governments to take NGO interests into consideration in policy formulation and implementation. NGOs usually have strong links with national,

subnational and international media. This whole battalion of networks can thus be mobilized to counter negative or hostile government and departmental action that might pose a threat to a convention's implementation.

In practice, many of the Ramsar Bureau's networks are informal, as formal networks are by their very nature restricted to defined interests and stakeholders. As a usual part of 'doing business,' over their years of interacting with their domestic and international colleagues to implement the intent of the convention, Bureau members have built up a portfolio of informal relationships which is not restricted by the official hierarchical and diplomatic channels of communication and interaction dictated by the formal documentation and formal networks of the convention. These informal networks complement and supplement the formal ones thus intensifying and expanding the Bureau's reachability, accessibility and impact as the key Ramsar lynch-pin organization.

As far as its in-country bureaucratic networks are concerned, the Ramsar Bureau works to strengthen the bargaining power and leverage of its agencies responsible for Ramsar implementation. It provides these agencies with technical advice, and links them with experts and supportive in-country, regional and international networks and allies. Bureau members also make use of the relationships they have built up with local politicians and senior decision makers in other agencies whom they have met while visiting the country on missions. The main objectives of many Bureau missions is to increase in-country knowledge and awareness about the country's Ramsar responsibilities; to build up a critical mass of domestic Ramsar expertise and infrastructure; and to facilitate, often informally, the management of tensions and conflicts that have developed in the course of policy implementation such as those mentioned above.

Training activities and regional meetings coordinated and facilitated by Bureau personnel, also contribute to network construction and maintenance, as they act as impartial and informal forums for the discussion of issues and the identification of common ground among stakeholders. The networks formed via these forums, then act as additional sources of Bureau leverage

and as mechanisms for resource mobilization in support of the management and resolution of in-country difficulties.

In-country alliances between the Bureau and its domestic civil service counterparts are mutually advantageous. As a senior Bureau official commented,

> The reason it [alliances] started in the first place was that weak environment or conservation departments wanted an international body to say, ' this isn't just me in the government of X saying this. I am doing this because an international authority says so, and because my country has signed and is legally obliged to comply with that international agreement. Therefore I have to do it (Pers.Com.Bureau,1997).

Network management as a conflict management strategy is about building trust, long-term relationships, strategic alliances and reciprocity among Ramsar stakeholders, notably between the Bureau and stakeholders. Alliances are mutually reinforcing and supportive. The leverage of weaker in-country agencies and NGOs is improved through their relationship with a relatively prestigious international organization and its global linkages, especially with international financial institutions. Alliances also broaden the power base of the Bureau and increase its leverage within the treaty system as well as within a designated country.

As a former executive head of Ramsar said,

> In conflict resolution the Bureau cannot tell a sovereign nation what to do, but you can certainly give to people who don't want that [an event] to happen, solid ammunition for them to, do their best to mitigate or terminate the problem from within (Pers. Com. Bureau, 1995).

Other more direct strategies employed by Bureau members to deal with in-country conflicts include: writing to governments and calling into question the potential international repercussions or impacts of their actions. The shaming of Belgium as potentially the first country to delist a Ramsar site is an example. Fostering trust and cooperation among domestic stakeholders and competing agencies by convening and facilitating meetings to assist with fact-finding and problem-solving such as the Bureau performed in Western Australia, are yet other examples of in-country conflict management activities by the Bureau.

That governments invite and/or support these Bureau activities within their national boundaries appears to be testament to the value that they place on the Bureau's network management role, and their trust in the professional expertise and integrity of Bureau personnel.

CITES

Problems related to implementing CITES' domestic measures are the most frequent sources of conflict both within and among countries in the treaty system. In-country conflicts are expected to increase as competition over limited funding increases, and increased conflict between trade and conservation issues increases.

The CITES Secretariat has a reputation for being proactive in conflict prevention and management. This includes its approach to dealing with in-country conflicts. Some of the ways in which the Secretariat, has sought to manage in-country conflicts has been to assist its members: to develop domestic legislation for implementing CITES; to develop and implement export, import and re-export guidelines; and to standardize trade permits. In other words it has sought to standardize the implementation of CITES world-wide, while taking into account political, cultural, economic and environmental differences. This approach has had the effect of decreasing tension and arguments among countries over variations in their domestic CITES implementation regimes.

In the management and resolution of in-country conflicts, a senior CITES Secretariat official commented that the most important processes used by the Secretariat were the informal rather than the formal processes. In particular, the Secretariat tries to increase the weight [influence] of the agency(s) directly responsible for CITES implementation and enforcement at national and regional levels, as it is taken for granted that foreign affairs, finance, and defence agencies have more leverage than conservation and forestry (CITES management) agencies in national and international decision making. In addition, these agencies are often more successful in the budgetary and resource allocation stakes than the CITES management and enforcement

agencies. So the Secretariat informally adds weight to the bargaining power of CITES agencies in national policy prioritization and in resource allocation decisions, by providing direct expert and tactical advice to its national counterparts. In addition, it raises awareness of the economic as well as the environmental conservation value of CITES initiatives among domestic politicians, ministers and senior government officials. Tactics include drawing their attention to the availability of financial and technical capacity building assistance for in-country projects.

The proactive approach to conflict management and dispute resolution adopted by the CITES Secretariat appears to be paying dividends in relation to both in-country conflicts and problems arising from implementation discrepancies and lack of standardization among countries. The combination of Secretariat initiatives to assist countries to standardize CITES implementation measures, and the organization's use of informal networks and tactical advice to CITES scientific and national management agencies, seems to have kept the escalation of conflicts to a minimum.

However, as with other international environmental conventions it remains to be seen how the CITES Secretariat is able to fend off and manage the likelihood of increasing conflicts among its stakeholders as competition for national and international implementation resources expands.

CCAMLR

Little information could be obtained from stakeholders about in-country conflicts and the significance of these for Secretariat operations and for the roles of Secretariat members. There appeared to be a general reluctance to talk about what were seen to be the negative aspects of CCAMLR. The scientists were as reluctant as the national delegates and the Secretariat officials to discuss these matters. However, members of the Secretariat, in discussing briefly, the potential for in-country conflicts suggested that individuals, particularly individual scientists, play very significant roles in the successful implementation of CCAMLR. They are often sources of new ideas, and are willing to promote and support CCAMLR in their own countries. In this way they act as 'bridge-builders' (Mouritzen, 1990) between CCAMLR and national

governments, and among competing agencies, especially fisheries and conservation agencies in their home countries.

This general defensiveness of CCAMLR stakeholders and Secretariat officials (not including environmental NGOs), seemed to arise from CCAMLR's institutional isolation and to be reinforced by the institutional culture. Personnel who work on Antarctic issues and the suite of Antarctic conventions appear to have trouble seeing themselves and their institutions as connected with the rest of the world. Historically there has been a very real physical separation and comparatively little sustained international interest in Antarctic developments apart from a romantic fascination with polar explorations and the odd media coverage of scientific events such as the discovery of the ozone hole. However, advances in technology and electronic communications, increasing international interest in Antarctic tourism, the rise to political prominence of policy issues such as global warming, international concern about the over-exploitation of declining global fisheries, and the increasing pressure from developing countries for a slice of Antarctic resource action (particularly now that many developing country fisheries are exhausted), are turning around the traditional CCAMLR and A T isolation.

From my research, it appears that the Antarctic political atmosphere is becoming increasingly volatile, and conflicts are likely increase, not decrease, over the next decade or so. With its 'head-in-the-sand' attitude to the existence of resource management, implementation tensions and conflicts, CCAMLR and its Secretariat are poorly prepared to prevent the emergence of conflicts, let alone manage or resolve them. This is a scenario which seems to contradict comments by a senior Secretariat manager that, "no Secretariat training assistance [in conflict management] is required" (Pers.Com.Sec1995).

My view is that of all the Secretariats studied, CCAMLR is the convention whose stakeholders and Secretariat personnel are in the most need of training in conflict management and dispute resolution. The convention's traditional denial of the existence of conflict in its ranks, and the rapidity and alacrity with which CCAMLR members pass their conflict management and dispute resolution responsibilities 'upstairs' to the AT, are symptomatic of an

immature organization whose personnel lack the skills, confidence and authority to take the initiative in preventing and managing the tensions and problems that are inherent in the implementation of any treaty.

Conflicts and NGOs

Ramsar

According to state and non-state interest groups, conflicts between NGOs and Parties, and between the Bureau and NGOs are extremely rare in Ramsar. In part, this is probably due to the relatively low key role of politics in Ramsar prior to 1995, and its historical focus on the science rather than on the politics of wetlands management.

As one Bureau member commented, conflicts should not always be viewed as negative. They can be used to draw attention to an issue. For example, NGOs can create conflicts to draw attention to transboundary issues such as disagreements over the management of and responsibility for, wetlands on the India/Bangladesh border (Pers.Com.Bureau, 1995). In cases such as this, the Bureau understands the underlying and positive intent of NGOs in drawing international attention to problems in managing wetlands of international significance. It also acknowledges the value to Ramsar of international media exposure. However, as the network manager and 'honest broker' of the system, the Bureau must be seen to be impartial. In cases such as this, the Bureau has formally expressed concern that NGO efforts may have unforeseen negative impacts - including strengthening a country's resentment of the constraints imposed on the use of its national wetlands by its membership of Ramsar. Informally, the Bureau may support NGO efforts to disclose non-compliance.

The Bureau is particularly wary about getting involved in conflicts between NGOs and domestic governments and is careful to remain impartial in situations where NGOs are critical of, or enter into, a conflict with their domestic governments. Where these situations occur, the Bureau listens to all points of view, gives technical and interpretative advice as required, and tries to informally steer resolution of the disagreement in the direction of a

solution that will benefit Ramsar's objectives, rather than the political objectives of either the government or the NGO(s). The relevant regional Bureau member and/or the Secretary-General may be called on to visit the country and convene a problem-solving meeting with stakeholders. Meetings in these situations usually revolve around the provision of expert advice by Bureau personnel, who may also, informally, make suggestions about the resolution of the conflict. Bureau personnel take care not to enter into situations where they might get caught up in domestic political issues. They keep focused on Ramsar issues at all times.

So, Bureau members endeavour to steer disaffected stakeholders in the direction of scientific solutions, the rationale being that science-based solutions are more likely to be objective, acceptable, achievable and sustainable than political solutions which, governments argue, are formally outside the Bureau's formal mandate.

CITES

Ongoing communication, endless talking, and always keeping the communication channels open even when there is tension and disagreement between the Secretariat and its industry or environmental NGOs, is the primary strategy used by the CITES Secretariat to deal with the sporadic conflicts that emerge with stakeholders, be they governments or non-state actors. These general conflict management strategies proved valuable when relations between the CITES Secretariat and environmental NGOs became strained over the La Pointe incident. Although the Secretariat disagreed with the way in which the issue was dealt with by NGOs, it continued to interact with them on a day-to-day basis in its usual professional manner. In this way the door was kept open for subsequent reconciliation.

When tensions and conflicts develop between environmental NGOs and Parties, the CITES Secretariat may be called on to provide expert technical and/or interpretative advice, and to act as an informal facilitator or mediator, as happened between the African nations and environmental NGOs in the negotiation of the Lusaka Agreement.

CCAMLR

In dealing with the Parties' resistance to environmental NGO participation, the CCAMLR Secretariat seems to be of the view that there is little to be gained from overtly challenging the negative attitudes to NGOs held by some parties (such as Japan and Norway). The Secretariat takes the view that is more effective for CCAMLR outcomes if the organization maintains predominantly informal relationships with environmental NGOs. These relationships are based primarily on informal interactions among individuals in the Secretariat and relevant NGOs.

There do not appear to be comparable problems in Secretariat relations with, nor Party resistance to, Secretariat interactions with fishing industry organizations.

Intraorganizational Impacts of Conflicts

Implementation conflicts can have negative intraorganizational impacts. In particular they consume personnel time and organizational resources that may have been allocated for other substantive tasks such as monitoring compliance.

Ramsar

The negative impact of the Ramsar's Bureau's conflict management activities on its organizational resources has not been recognized in Ramsar's strategic and operational planning. This is not surprising, given the general reluctance of the Contracting Parties to recognize the existence of conflict, in spite of the need for the Bureau to manage conflict as part of its network management responsibilities. This means that no provision to manage conflicts has been made either by the CoP or by the Bureau in the Bureau's budgetary or task allocations, or in its personnel profile.

The Bureau has not asked for additional organizational resources to deal specifically with conflict management. It appreciates that the CoP would be reluctant to publicly acknowledge the existence of conflicts, seeing them as an

indication of failure, rather than as an inevitable component of all policy implementation processes and as an opportunity to fashion innovative and sustainable solutions to implementation problems.

As a Technical Officer pointed out, staff time is the most precious organizational resource, and the most important framework Ramsar has to achieve its objectives is the monitoring procedure. The paradox is that monitoring is very time consuming.

> The monitoring procedure has proved a very potentially powerful tool in [dealing with] in-country conflicts. For example, in a country where there are federal or quasi federal structures, the Bureau acts as mechanism for bringing people together under the international umbrella.----We listen to all sides and make recommendations. This takes a lot of staff time and we have all these sites where we could be implementing the monitoring procedure but are limited [in what we can do] because we do not have enough time, especially where there are disagreements about how a site should be managed (Pers.Com.Bureau, 1995),

One way the Bureau tries (with a minimal degree of success) to deal with the organizational costs of its conflict management activities, is by requesting additional personnel to undertake specific tasks such as capacity building and fund raising. These tasks (unlike conflict management), are accepted as legitimate, formal Bureau tasks that do not intrude on a government's perception of its ability to control its own destiny. Effective implementation of these Bureau tasks also has discernible benefits for the recipient country, in particular the prospects of tangible financial rewards without the risk of loss of face that is an anathema for politicians.

As explained previously, CoP 6 rejected the Bureau's request for an additional fundraising position. This means that the Bureau is now required to meet the goals and objectives of the new Strategic Plan without the basic organizational resources to do so. The Strategic Plan takes no account of the multitude of Bureau conflict management activities that already eat into current organizational resources, including: facilitating the transboundary management of wetlands; assisting governments to reconcile economic development and/land-use planning with habitat conservation objectives and programs.

My projection is that as water resource management becomes more prominent on the political and national security agendas of many regions, and is globally recognized as a potentially explosive environmental security issue, Bureau personnel will become increasingly involved in assisting with the management and resolution of transboundary wetlands management issues by virtue of their technical expertise, boundary-spanning roles, regional credibility and networks.

At this stage, however, the lack of formal CoP recognition of the Bureau's conflict management role has advantages for Bureau as it can continue its informal conflict management work. 'Quiet diplomacy' and a low organizational profile are more conducive to organizational survival as they are less threatening for governments, than are high profile bureaucratic roles and solutions. No government or convention wants to be perceived as being under the control of its civil service. However, the organizational disadvantage of a low-key approach, is that a good proportion of Bureau activities and initiatives that are essential to Ramsar's successful implementation, namely conflict management and dispute resolution, are not formally recognized. As a result, the Bureau does not receive the resources it needs to perform all its tasks, nor does it receive recognition for its performance of these activities.

It would be ironic indeed if instead of increasing the convention's effectiveness, the much vaunted Ramsar Strategic Plan, failed to deliver the expected outcome of increased cost effectiveness because it failed to recognize and plan for a crucial and organisationally-costly component of the Bureau's tasks. If this is happens, responsibility must ultimately rest with CoP for its apparent refusal to acknowledge the negative impacts on policy outcomes of the Bureau's resource constraints. It is, however, the Bureau that will be blamed for any apparent 'failure to deliver', and it will be the Secretary-General of the day who will have to formally accept responsibility for this.

CITES

"CITES does not have disputes" - 'disputes' being regarded solely as those conflicts that reach the ICJ - and none have (Pers. Com. Sec., and Delegate,

1995),. Assisting stakeholders to manage and resolve conflicts, takes its toll on the CITES Secretariat's organizational capacity, particularly on the time and skills of its senior personnel.

An organization's resource capacity governs the extent to which its resources can be expended specifically on conflict management, as distinct from other core and substantive tasks. As with the Ramsar Bureau, conflict avoidance and management is clearly a key implementation task for the CITES Secretariat. Given the resource-intensive nature of conflicts as obstacles to successful implementation, Secretariat conflict management tasks should be acknowledged in both convention and Secretariat strategic and work plans. This is currently not the case.

Even an activist and relatively powerful Secretariat such as the CITES Secretariat, is apparently not able to ask its CoP directly for additional organizational resources to deal specifically with implementation conflicts because of the reluctance of the parties to formally and publicly acknowledge the existence of unresolved conflict as an implementation phenomenon. Parties are equally reluctant to acknowledge the role of the Secretariat in assisting stakeholders to manage and resolve such problems. Like the Ramsar Bureau, the CITES Secretariat will have to camouflage its conflict management resources, as the resources required to carry out approved core and substantive tasks such as capacity building and compliance monitoring.

CCAMLR

I could not find evidence (because of my restricted access), that conflict management was expensive of CCAMLR Secretariat time and resources. I believe that this was partly because Secretariat personnel did not understand that much of what they do could be viewed as conflict prevention and management.

Examples of unrecognized and unwitting conflict management activities by CCAMLR Secretariat officials include: facilitating Working Group meetings; fact-finding as part of scientific data analysis and interpretation; assisting parties with problem-solving in monitoring compliance; and consensus

building on the need for international cooperation in CCAMLR enforcement. It was clear that the majority of Secretariat conflict management activities took place in the context of CCAMLR's scientific endeavours, rather than in the more political arenas of inter-Party and in-country disagreements.

Based on the evidence from my research, conflict management constitutes a major portion of a secretariat's workload. However, the conflict management and dispute resolution initiatives of these organizations have not previously been identified as substantive tasks, even though the management of implementation conflicts is fundamental to the success of treaty implementation and is resource intensive. The implications of this finding are discussed at length in Chapter 7.

Summary

Secretariat practice in dealing with organizational constraints demonstrates that although these organizations lack formal power and control of their resources, they are still able to turn many of these obstacles into opportunities for ensuring a treaty's success in meeting its objectives. In the language of interorganizational theory, secretariats accomplish this by marshalling resources and by mobilizing the behavior of state and non-state actors. The cumulative effect of these organizational strategies is that secretariats, as IOs, can have significant impacts on international environmental policy outcomes.

My research found no evidence of any major negative impacts of secretariat initiatives. This may well have been due to the general, and primarily unspoken, reluctance of governmental stakeholders to avoid expressing negative comments about secretariats for the reasons given in Chapter 1. Even non-state actors were overwhelmingly positive about secretariat activities, their criticisms relating more to what they perceived to be organizational inaction rather than to the rejection of actions undertaken by a secretariat. Two notable exceptions to governmental and NGO support for secretariat activities were the 1989 dismissal of the CITES Secretary-General, and the 1993 Ramsar CoP when parties and NGOs raised questions about the management of the Ramsar budget.

In summary, there are two categories of findings from my research which indicate how secretariats deal with the challenges posed by the constraints examined in this chapter. They are 'expected' and 'unexpected' findings.

The expected findings support the general conclusions of Jonsson (1986;1987;1992;1993), Organ (1971), O'Toole (1990), Hanf and O'Toole (1992) and Mandell (1990) which demonstrate that secretariats use their lynch-pin position as both the information hub of the treaty system and as the nexus of formal and informal networks in the treaty system, together with the boundary-spanning roles of their professional personnel in carrying out key secretariat tasks, to offset the organization's limited formal authority and power and its resource dependency on its members.

My findings seem to indicate that the network management role of multilateral broker (facilitator and mediator) is the dominant and potentially the most influential role of an activist secretariat. Secretariats definitely appear to choose informal, rather than formal, networks and strategies as the primary means by which to change the behavior of their members in favour of positive policy outcomes. That is not to say that secretariats prefer to operate by stealth, or to 'go in the back door' in performing their tasks. It is more a case of weighing up the quickest and most effective means of achieving the treaty objectives and ensuring organizational survival.

However, as my findings also indicate, the linkages between the formal and informal components of an international treaty network (while not in themselves unexpected), reveal some 'unexpected' information about the ways in which secretariats choose to use these linkages to exert influence. In this scenario, the significance of the informal dimension in secretariat activity is what differentiates my 'unexpected' from my 'expected' findings.

The significance of these 'unexpected' findings is examined in Chapter 7.

CHAPTER 7: SOURCES OF SECRETARIAT INFLUENCE IN COMPLEX MULTILATERAL NETWORKS

Introduction

The aim of this chapter is to use what I have discovered about the previously unrecognized ways in which secretariats exert influence, to assist both scholars and practitioners to more fully understand IO practice and influence in the context of the implementation - compliance continuum.

My research findings fall into two categories: 'expected' and 'unexpected'. I expected to find, and I found, that secretariats as network managers and boundary spanners, are far more influential than the literature indicates.

I did not expect to find that the ways in which secretariats exert influence on stakeholder behavior are predominantly via their use of international and domestic informal networks and the formation of informal, overt and covert alliances with non-state actors. Nor did I expect to find that many international environmental treaty secretariats actively use their informal networks to shape domestic or 'in-country' policy implementation processes and outcomes. Finally, there is clear evidence that these secretariats rely on various consensus building and dispute resolution techniques to manage and resolve conflicts that arise among stakeholders in implementing a convention.

Based on my research findings, I then develop an interdisciplinary, explanation-building process for understanding the significance of treaty secretariat intervention in assisting countries to transform domestic implementation concepts into tangible compliance strategies. I call this intervention 'catalysis', and I suggest that 'catalysis' is the previously undiscovered 'missing link' between "implementation" and "compliance" as these theories are currently identified in the literature.

'Catalysis', as a constellation of secretariat activities, interorganizational network management processes and organizational responsibilities, is discussed fully in Chapter 8. In this chapter I first examine the previously

unacknowledged but significant sources of secretariat influence as these sources of influence are major determinants of the success of catalysis.

FOUR 'UNEXPECTED' SOURCES OF SECRETARIAT INFLUENCE

My research has discovered several significant things about the ways in which secretariats have an impact on international environmental policy outcomes. This section examines four sources of secretariat influence in global multilateral networks which appear to be at odds with the conventional literature on IOs. For the purpose of this thesis, the four sources of influence that I have identified will be discussed as discrete entities, although I recognize that there is considerable overlap and interaction among them, and that networking is the common thread.

While some of my findings are known to practitioners, and others to scholars, the surprising thing is that they do not emerge in the literature I reviewed. Contrary to conventional academic thought, it appears that it is not so much the formal structures, networks and processes of a treaty system that shape how secretariats operate and how they influence party behavior and treaty implementation outcomes. Rather it is the informal, interorganizational networks within and among treaty systems that are more significant in this regard. The central place of these informal networks and processes in a secretariat's management strategies, also helps explain why secretariats have such a significant effect on treaty implementation.

I found that:

Secretariats tend to favor the use of the informal, interorganizational networks and processes which develop among stakeholders in a treaty system, rather than the more limited formal ones specified in the treaty text, to fulfil their convention responsibilities and to exert influence. They also have a greater knowledge of informal, national and sub-national, interorganizational processes and networks and they make far more extensive and more long-term use of these, than is often understood or appreciated by governments and scholars. That is, the secretariats of multilateral environmental conventions use their in-country/domestic

connections and knowledge to exert influence on domestic implementation initiatives.

Secretariats form informal, even covert, alliances with key non-state actors to optimize their task performance and to exert influence, and they use conflict management processes unwittingly, to ensure the success of treaty implementation and to exert organizational influence.

It is my belief that these findings HELP paint a more complete picture of how secretariats gain leverage and exert influence in informal global networks.

Use of Informal Networks

Identifying Informal Networks

Informal, interorganizational networks are located at all levels of a regime - global, regional, national, and sub national - and within and among all categories of actors - public and private - within the treaty system. Informal networks link the treaty system with the world beyond its formal confines, and can include member and non-member governments, and non-state actors such as professional and expert organizations, key individuals, academics and the media.

The identification of a specific formal network in a treaty text (its structures, actors, interactions, processes and procedures) and its supporting documentation, defines by default, the existence of the informal networks in a regime. In this context the roles, functions and interactions of secretariat boundary-spanners are particularly important as they traverse and challenge the formal boundaries, link formal and informal structures and networks, and introduce new 'ways of doing business' to actors in the treaty system.

Formal networks and structures have limitations that their informal counterparts do not have to the same extent. The formal legal and institutional arrangements of global environmental accords are relatively static, or at best slow moving. This is a major reason why contemporary, convention secretariats appear to have made extensive use of the informal

components of a treaty system rather than limit themselves to the more rigid formal networks identified in the text and in subsequent CoP recommendations and resolutions.

International agreements are notoriously difficult to change. They are wooden rather than dynamic instruments which are dated by the time they emerge from diplomatic negotiations as legal agreements, having been many years in the making. They also reflect the lowest common denominator on which countries can agree as governments strive to obtain the maximum number of signatures and ratifications.

To change an international agreement is itself a lengthy and problematic process as witnessed in Ramsar's efforts to introduce the Paris Protocol and the Regina Amendments. As such, legal constructs are unable to keep pace with, nor can they reflect change, complexity and interdependence in a rapidly changing policy environment. Formal networks thus lack the ability to respond and adapt to change as the dynamics and environment of the treaty system change. More flexible instruments and management strategies are required for a treaty to remain relevant.

To be successful, an international convention and its IO must have the ability to adapt to changes in the treaty environment. Informal processes and procedures provide alternative avenues for the maintenance of international cooperation without the attendant political challenges and the angst of re-negotiating protocols and amendments.

Consensus decision making is an illustration of the inadequacy of formal instruments alone as mechanisms for achieving the desired policy outcomes. In international environmental agreements where consensus decision making is the norm, multiple plenary sessions and caucuses over a period of several years are usually required to reach agreement, especially where the issue in need of amendment is contentious. This was case with the CITES' 1994-97 renegotiation of the ivory trade. It took two CoPs and innumerable bilateral and multilateral negotiations, caucuses, and private meetings among officials and international NGOs before the parties reached agreement in time for CoP 10 in 1997.

However, it would be naive to think that negotiation and decision making in any international forum occur only in public sessions such as plenaries. By the time governments arrive at a plenary to formally state their decision, they have already been involved in many formal discussions and in multiple informal behind-the-scenes, private negotiations and side deals. Rarely is the outcome of a final CoP decision a surprise to any of the delegates, or to the secretariat. In many cases, the secretariat, has been actively involved in assisting the governments to reach an outcome that will meet the majority of the parties' needs, while not undermining or unravelling the convention as a whole. The complex and frustrating negotiations to arrive at agreed targets and timetables for global GHG emissions at the FCCC's CoP 3 in 1997, are classic examples of a secretariat and a CoP Chair working collaboratively to broker a deal with which all governments could ultimately agree.

In circumstances such as these and in order not to 'miss the boat' as it were, secretariats tend to develop and rely more on the negotiations which take place within informal arrangements (rather than on the formal negotiation processes), to ensure that the spirit of a convention is retained, and that policy outcomes are delivered - and delivered on time. Frequently it seems, the approaches such an organization uses to achieve these results are less orthodox than the formal processes and procedures required by the text.

As Jonsson (1986) noted in his research on international aviation, the multiplex indirect and direct links between secretariats and national governments and agencies, were particularly significant. In addition to briefing members and participating in formal network meetings, secretariat members had informal meetings with national officials from relevant agencies; private meetings with leading officials in key national agencies; and they received information informally from a range of sources inside governments. This meant that the secretariat consistently knew of US (government) moves before they were made and could plan its own actions accordingly.

Secretariats and Informal Networks

My research indicates that the informal processes, networks, and interactions (including alliances and coalitions) of a treaty system determine to a far greater extent than do their formal equivalents, how secretariats operate and why they have such an effect on international environmental policy outcomes.

A secretariat is the only organizational entity in a global treaty regime whose mission and activities are devoted solely to managing <u>that</u> particular treaty system. The Ramsar Bureau deals only with Ramsar matters, and nothing else; the CITES Secretariat is focused solely on the implementation of CITES; and the CCAMLR Secretariat manages CCAMLR issues only .

As the permanent, lynch-pin organization in the treaty system whose sole mission is to service that treaty, the secretariat plays a critical role in linking the formal and informal networks of the regime. It is a secretariat's understanding and use of this linkage or nexus, that enables it to optimize the success of treaty implementation. A secretariat is well placed to ensure that when a resolution or report is drafted, it will be accepted by the decision making body of the convention. The secretariat does this by carefully observing the formal channels and procedures for drafting such a document, while simultaneously conducting parallel, informal discussions with the key representatives of relevant parties and other stakeholders, including its bureaucratic counterparts in national governments, and influential NGO representatives. These informal, second-track discussions ensure that key stakeholder interests are taken into account in the formal drafting process so that when the formal resolution or report is presented to the CoP, it is less likely to be opposed. That is, the secretariat acts as a catalyst in facilitating informal stakeholder agreement in advance of the formal outcome.

The more informal networks, alliances and coalitions a secretariat can form with a range of state and non-state stakeholders including members, non-members, scientific experts, academics, industry organizations and environmental NGOs, the more extensive are its information networks and the greater its command of convention information and communication

channels. Knowledge and information are significant informal sources of power for a secretariat as they enhance its bargaining capability and thus its leverage in the system. Network interactions also broaden a secretariat's potential sphere of influence. By judicious cultivation of a wide range of relationships, a secretariat minimizes its risk of capture by any one interest group.

The more wide-ranging a secretariat's networks, the more independent it can become by diversifying its resource and constituency bases. The more independent a secretariat can become from reliance solely on its member governments for its funding and the more varied its networks (including in-country networks), the less it has to worry about possible adverse reactions from member countries to its use of organizational initiative. The most serious repercussion for a secretariat would be the withdrawal of core funding by key member countries. The cultivation and maintenance of informal networks are good ways for a secretariat to diversify its funding sources, as funding via informal networks can act as a partial counterbalance to the loss of core funding.

In addition, the more independent a secretariat becomes, the more impartial it is likely to be perceived to be. The organization is then seen to be less vulnerable to capture by dominant interests in the treaty system, and so is more likely to be acceptable as a impartial intermediary in the management and resolution of treaty implementation conflicts.

For activist, resource-dependent secretariats, organizational survival is like walking a tight-rope. Informal networks are useful safety nets which can be called upon to bring pressure to bear internationally and domestically to counter the criticism of members which could threaten organizational survival. The use of informal networks and relationships thus helps ensure a secretariat's survival and growth by diversifying and extending its information, knowledge, resource and constituency base, and its potential sphere of influence.

Reasons for Using Informal Networks

Secretariats use informal networks for a variety of purposes and in a number of ways. In a nutshell, to "get things done", that is to perform their core and particularly their substantive tasks; for information exchange; to communicate secretariat opinions; to establish their organizational policy credentials; and to negotiate sensitive issues.

To Perform Secretariat Tasks

Secretariats make consistent and frequent use of informal networks to carry out their tasks, especially their substantive tasks. An example of secretariat use of informal networks for task performance, is when an executive head delegates regional implementation responsibilities to specific boundary-spanning personnel in the secretariat. This means that one officer is designated the person responsible for looking after all the member countries, treaty interests and issues in a geographically defined region such as East Asia, the Pacific or the Neotropics.

To carry out her/his tasks in a region, the officer responsible will devote considerable energy and time to building up relationships with boundary-spanning counterparts in agencies and non-state actors including industry and environmental NGOs. While many of these interactions will fall within the formal rubric, many will not. Sound personal as well as professional relations are acknowledged by most policy practitioners as perhaps the most effective means by which many secretariat officials accomplish their tasks. These relationships are most efficiently and effectively developed via face-to-face contact when secretariat personnel visit the countries in their region on a regular basis. In attempts to monitor and control the illegal, traditional medicine trade in endangered species in the Asian region, the CITES Secretariat delegate responsible for the region has used informal networks to discreetly bring pressure to bear in support of the policy stance of the CoP and the secretariat.

The informal relationships that secretariat officials develop with all stakeholders during missions, serve several purposes. They enable the

secretariat official to gain a direct understanding of the important treaty issues in the region in their national as well as in their regional and global contexts. They enhance mutual understanding of cultural differences and ways of doing business between the secretariat and the countries concerned. Finally, the mutual trust and respect resultant of sound working relationships between secretariat officials and their national counterparts are valuable organizational assets in developing conflict avoidance and management strategies for the treaty system.

For Information Exchange

Secretariats and other actors use informal networks for information transmission and dissemination. As the information hub of the treaty system, the secretariat is accessible to organizations within the treaty system as well as to those external to the formal system. Many individuals (even school children) contact the CITES and Ramsar secretariats directly for information on treaty issues. The use of electronic communication has greatly facilitated ready and rapid access to secretariats. Many secretariats now have a home page on the Internet.

Secretariats are the official clearing houses for treaty-related information. This is not a one way street. Actors approach secretariats for information, as well as the other way around. There are many informal interactions between secretariats, national agencies, and NGOs in which information exchange is the primary focus. There is also a lot of information exchange which stakeholders do not want officially recorded. It may be that an NGO wants to use the secretariat as an informal sounding board for its ideas on monitoring compliance or to pass on 'off-the-record' information about violations. Informal interactions between Greenpeace and the CCAMLR Secretariat are regularly used by Greenpeace to convey scientific data as well as information on illegal fishing activities.

Stakeholders rely very much on the knowledge, expertise and experience of secretariat personnel for advice on the interpretation and application of the convention in a particular set of circumstances with which a government is confronted, or which an NGO identifies as being of concern. The CITES

Secretariat's recommendation to some African countries to enter a reservation on the 1997 ivory trade issue until their governments were in a better position to ensure compliance, is such an example.

Informal conversations with secretariat personnel are often held by telephone, in informal venues, and when secretariat personnel are travelling on missions. This avoids risks associated with possible breaches of confidentiality which might occur when government representatives indicate their government's position on paper at a stage in the negotiation (or re-negotiation) of an issue, when to do so may be premature as far as the government is concerned as it may lock the government into a position from which it later wishes to withdraw.

To Communicate Secretariat Opinions

Secretariats use informal networks to get across to other stakeholders, their point of view on an issue, including where a secretariat's perspective on an issue may differ from that of some of its members and even its CoP. In the course of their network management activities and boundary-spanning forays, secretariats hold informal discussions with key non-state actors, member and non-member governments. These discussions act as unofficial conduits for the communication of organizational views on policy. Even though the outcomes of these informal communications may or may not support the secretariat's view, the communication process itself builds relationships between the secretariat and other actors. In 1995, the majority of the CCAMLR Secretariat's professional personnel were less suspicious of and hostile to, environmental NGO/Secretariat interactions aimed at curbing illegal fishing in CCAMLR waters, than were either the CCAMLR Commission or the executive head of the Secretariat. Individuals in the CCAMLR Secretariat maintained both formal, ongoing contact with ASOC as well as discreet, informal, direct contact with Greenpeace representatives, in order to ensure that vital communication and information transmission channels were kept open.

Informal discussions between a secretariat and non-state actors may also be used to bring indirect pressure to bear on parties to comply with treaty

requirements and objectives. However, secretariats do not go against CoP policy lightly, and I found no evidence to suggest that they directly pressure countries to support their preferred organizational policy position.

To Establish Organizational Policy Credentials

As any civil servant knows, regular, formal briefing sessions of governments are a fundamental way to establish an organization's credibility. Although based on fact, briefings inevitably include an element of subjective judgment. So, if secretariat personnel have good working relationships with their domestic counterparts who are in turn able to convince their own national leaders of the secretariat's professional abilities and impartiality, then the secretariat's reputation and leverage in the formal treaty network, as well as in its informal networks, will be enhanced. As I discuss in Finding 4 (Conflict Management and Dispute Resolution), professional credibility and a reputation for impartiality are crucial for secretariats that are engaged in, or that wish to be engaged in, conflict management and dispute resolution activities as trusted intermediaries.

To Negotiate Sensitive Issues

The importance of cultural differences in secretariat 'ways of doing business' is often overlooked in academic research on organizations. In many cultures, the value of the personal relationships and informal networks developed among organizational leaders and other significant individuals is considered the key to achieving a mutual gains outcome, especially where the negotiation of politically sensitive issues is concerned. You cannot do business by rote when negotiating issues such as the use of endangered species parts in traditional medicine. Such issues require sensitive management and cultural understanding. The designation of experienced and skilled secretariat personnel with appropriate regional expertise and networks, to informally advise on, pave the way, and even handle such negotiations is common place. However, it is not often public knowledge, as governments must be seen publicly to be the actors who undertake these politically delicate and economically significant transactions.

Summary

The influence potential of secretariats should not be underestimated. Secretariat use of informal networks and processes can increase the sphere of influence and the leverage of the organization by widening support for the secretariat within the treaty system. Informal networks and interactions expand a secretariat's power base by enhancing organizational task performance, information exchange, and building informal relationships with international and national bureaucrats and non-state actors such as scientific experts, industry and environmental NGOs. The development of informal networks may also reduce organizational resource-dependence on a limited number of powerful stakeholders by facilitating access to supplementary resources such as information, personnel and funding, from non-state actors. Finally, the greater a secretariat's organizational capacity, its resource independence and its network diversification, the more likely it is to be perceived as impartial by stakeholders - impartiality being an essential quality for a conflict manager.

In- Country Penetration: Influencing Domestic Policy Implementation

My research indicates that secretariat use of informal state and non-state networks results in more substantial, in-country penetration or involvement in domestic policy implementation than is recognized in the literature. It also appears to contradict the international relations norm that international civil servants wield very little influence at the international policy level, and none at the national and sub-national policy implementation levels where their input to the domestic policy process has traditionally been deliberately discouraged by sovereign states. The reasons for the prohibition of ICS intervention in the internal affairs of a sovereign state are enshrined in the ICS ethic of internationalism and its supporting code of practice which indicate clearly that international civil servants are not to intrude in the internal affairs of a nation state. In international law and international relations, protection of national sovereignty is a core value, and formal treaty arrangements are designed to achieve this.

This being so, how then do treaty IOs penetrate the domestic affairs of their member states, and why ?

Knowledge as Power

Over the life time of a treaty, an international secretariat develops a complex web of informal interactions with bureaucrats and non-state actors within a country. It does this through the boundary-spanning activities of its leaders and officials; by providing continuity of service to members; and by acting as the institutional memory of the treaty system.

In this context, domestic non-state actors with which secretariats regularly interact include: scientists, academics, industry organizations, environmental NGOs, national politicians and community-based interest groups including indigenous peoples and other minority groups.

Knowledge of domestic networks is retained in the institutional memory of the secretariat, and connections and relationships are adapted and extended as secretariat personnel and their in-country contacts change over time. As Ernst Haas (1990) notes, "knowledge is power", and an activist secretariat's command of information and knowledge about the treaty system and its operation together with its use of informal networks to amplify this knowledge, is potentially a significant source of power.

In this regard, the CITES, Secretariat is second to none. In fact the 'elder statesmen' of the CITES Secretariat who have been with the secretariat since the 1970s were regarded by many interviewees, including industry and environmental NGO representatives, national bureaucrats and delegates, with a reverence akin to that accorded the Delphic Oracle. Governments may change every few years, but civil servants often remain in policy implementation for the long-haul, and they remain a potent force long after national governments have gone.

Bureaucratic networks are a key source of secretariat knowledge and power. Of particular significance to the nature and degree of international secretariat involvement in domestic policy implementation, are the networks

established and maintained between and among international and national bureaucrats. These sub-sets of actors have a direct and long-term investment in treaty implementation success.

Within a country, it is bureaucrats as government employees and agents of government, who are primarily responsible for treaty implementation at national and sub-national levels and for reporting back to the CoP and the secretariat on national implementation progress. That is, environmental treaty secretariats are responsible to their CoPs for global oversight and coordination of (domestic) policy implementation by all parties. To monitor a convention's progress, global treaty secretariats must therefore be in regular contact with their national counterparts and other relevant stakeholders. Such contact is not without its difficulties.

An example of this is, what the World Heritage Secretariat found to be an embarrassing and difficult encounter. The state government of Queensland, Australia, directly and informally contacted the World Heritage Secretariat to lobby the Secretariat (and through it the CoP), to support the Queensland government's, anti-conservation position on an issue of local political significance, namely commercial development in a World Heritage site. The state government's position was in direct opposition to the international position taken by the federal government of the day. In this case, the secretariat claims it did not seek the encounter. According to the World Heritage Secretariat, contact was initiated by representatives of the Queensland government, bureaucrats acting at the request of their government on the basis of formal and informal relationships they had previously established with secretariat personnel (Sandford, 1994).

Bureaucratic cultures, national and international, speak the same 'language' world wide. They also share a common and direct responsibility for the management of the regime's implementation at the international and the national level. Mutual understanding and interaction among these actors are assisted by personnel secondments and exchanges. The organizational credibility and capacity of both national and international bureaucracies depend on the success or failure of their task performance and the

management of their treaty networks. On these successes or failures, hang individual professional careers and organizational reputations.

Professional relationships among bureaucrats become less formal over time. As the officials responsible for the implementation of a particular regime tend to interact frequently over long periods of time, the original formality of their relationships relaxes as trust develops in the management of common tasks. However, the lowest common denominators (organizational and personal survival, and career enhancement), cannot be disregarded.[1]

Non-bureaucratic networks of environmental NGOs, industry organizations and groups of experts, including legal experts and scientists, can be valuable allies for secretariats as they have their own domestic and international networks of constituents, and professional associations. Secretariat access to these networks at the international level then facilitates secretariat access to their domestic equivalents. Each domestic actor has its own set of interorganizational networks with its domestic and international counterparts and affiliates - a world wide web. An international secretariat has only to access one node of this network to gain (potentially) access to the whole. The use of electronic communication facilitates this process.

The CCAMLR Secretariat can tap into a myriad of domestic scientific networks via its interactions with individual scientists who are members of CCAMLR working groups, the CCAMLR Scientific Committee, and SCAR. Individual scientists are not isolated nor politically nor financially independent. Usually they are members of national bureaucracies, academic and scientific institutions, international and national scientific associations. Participation by scientists as members of multiple and often overlapping organizations, has a multiplier or ripple effect on their potential leverage and

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[1]Interestingly, in the secretariats I studied, there appeared to be a distinction between the organizational culture and personal motivations of officials in the treaty secretariats established in the 1970s (World Heritage, Ramsar and CITES), and those of the 1990s (Basel, FCCC and CBD). Many of the secretariat personnel in the latter group seemed more focused on the career opportunities afforded by working for an environmental treaty secretariat at a time when multilateral environmental treaties were a boom industry, than those in the former group where achievement of the environmental conservation objectives of the treaty was a clear personal and professional priority, as well as the organizational objective.

their power as a secretariat ally as they are able to call on these networks for information and support.

More detail about the nature of these networks and secretariat use of them is provided in Finding 3, 'Alliances with Non-State Actors'. It is sufficient here to note, that secretariat access to these networks and the concept of reciprocity involved in secretariat alliances with non-state actors, further facilitates secretariat penetration of domestic policy circles. By reciprocity I mean, if a network such as the scientific networks mentioned above, provides a global secretariat with information and domestic access, it expects something in return, for example, assistance with placing and/or advancing a policy item of its own on the CoP agenda.

Examples of Secretariat In-Country Influence

Governments have historically taken precautionary measures to guard against the possibility of secretariat influence in the internal affairs of a sovereign state as noted previously. The reality of secretariat practice identified in my research reveals a different picture. Governmental resistance notwithstanding, the ICS has the potential to have a considerable indirect impact on domestic policy networks. Whether they do so or not, depends on a number of factors.

First, a secretariat's potential to influence the internal affairs of a country, is derived from the extent and depth of its in-country knowledge of domestic politics and public policy processes; the formal and informal in-country networks arising from its relationships with key domestic government and non-government actors and interest groups; the effectiveness of its network management strategies; and its organizational preparedness to use initiative and take risks.

Secretariats do not always realize their potential to influence domestic policy implementation. It is up to the secretariat whether it takes up the challenge of accessing and mobilizing in-country networks. A passive or managerially conservative secretariat such as that of CCAMLR, might decide to play it safe and confine its focus largely to the formal networks of the convention. A

moderately activist secretariat such as the Ramsar Bureau is likely to demonstrate considerably more initiative than the CCAMLR Secretariat and encourage its officials to identify and mobilize informal networks in the geographical regions for which they are responsible. While the CITES Secretariat, as the most activist of the three, might go a step further and actively encourage the formation of informal networks within and among countries and NGOs if the Secretariat considered that this would serve the convention's implementation interests, and the compliance monitoring needs of the organization.

Secretariat use and encouragement of informal in-country networks is a particularly sensitive issue in many developing countries and countries without a pluralist polity. Here, western-style NGOs may be regarded with suspicion. In these situations, secretariats find that assisting a country to obtain technical assistance and funding (capacity building) to help it meet its international obligations, facilitates the interaction of government officials and NGOs by focusing their attention on their common interests and on achieving common goals.

An example of this is where the CITES Secretariat conducts and/or coordinates regular training courses for customs and environmental management personnel in CITES exporting countries. The Secretariat regularly involves representatives from the local and regional offices of NGOs such as WWF/TRAFFIC in these courses to provide advice on field-based approaches to monitoring compliance. Training courses develop greater understanding and trust among the course participants and positive working relationships between the CITES Secretariat and the participants, in that they recognize their mutual commitment to the achievement of a common objective, even if their tactics differ.

To overcome the loss of knowledge and skills caused by the frequent turnover of personnel in national agencies, the CITES Secretariat repeats these courses at regular intervals. This builds and expands its network of formal and informal contacts, its in-country knowledge base, and its own organizational reputation for positive initiatives. It is an example of capacity building as network management.

Summary

The realization that secretariat influence has the potential to penetrate further into the domestic affairs of a country than had previously been publicly acknowledged, will be uncomfortable for many governments. It also appears to contradict conventional IR wisdom about the lack or insignificance of, the influence of international civil servants at both the international and the national and sub-national policy implementation levels.

The possibility of secretariat intrusion in the internal policy making processes of a country is a recurring theme in governmental criticism of secretariats' roles in international affairs. If, as IR theory suggests, power and decision making authority (and thus influence) are vested in the state, then government concern seems unwarranted, as under this rubric if secretariats have no comparable formal power nor authority, then presumably they cannot exert influence.

So why are governments concerned? Perhaps because politicians understand the resilience of the international and national civil services relative to that of national governments.

Through their network management strategies and skills and their boundary-spanning roles, secretariats have the potential to be more involved in and to exert more influence on, domestic policy implementation than is recognized in the literature. It is my finding that the use of informal, interorganizational networks is a major factor in this. Network management does not cease at the boundaries of the formal treaty network. This would be an artificial perimeter. Instead it encompasses all the informal networks with which a secretariat is connected, including those within countries.

Informal Alliances With Non-State Actors

International treaty secretariats enter into informal alliances with a wide variety of non-state actors including: scientists; academics; IGOs such as IUCN and the IPCC; industry associations; environmental NGOs; indigenous

peoples and human rights organizations; and the media. Alliances may be open or covert. The majority of secretariat alliances are open rather than covert.

Secretariat objectives in entering into alliances with these stakeholders are as varied as the interests of the stakeholders themselves. However, there are three primary objectives why secretariats establish informal alliances with non-state actors. They are to achieve treaty objectives; to gain leverage in the regime; and to boost organizational survival.

Secretariat alliances can take several forms, two of the most significant being *ad hoc* alliances. Strategic alliances are purposefully created by secretariats to achieve a specific policy or tactical objective; and interest-based alliances are where participation in the alliance is determined by shared or common interests as seen with groups of experts and professionals. In this respect, interest-based alliances bear a resemblance to the "epistemic communities" identified by Peter Haas, (1990; 1992).[2]

Secretariats may deliberately orchestrate alliances with non-state actors for a specific reason. Secretariats may form strategic alliances with environmental NGOs to achieve a mutual implementation objective such as the more accurate monitoring of illegal, wildlife trading activities in a country which is resistant to the presence of Western-style, environmental NGOs. In this situation, an 'unofficial' endorsement of the NGO by the highly credible CITES Secretariat might be achieved by facilitating NGO inclusion in capacity building, training, and reporting activities within the country. This informal approach is more likely to achieve a greater measure of acceptance of an NGOs presence and its contribution to CITES implementation, than is a direct, formal request for cooperation from either the NGO or the Secretariat to the national government of the day. The NGOs on-ground presence then

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[2] For example, experts such as bureaucrats, scientists, lawyers and other specialists with whom secretariats interact, are employed by in the public sector, the private sector and in academia. They are what Peter Haas (1990; 1992) calls 'epistemic communities', that is, "networks of professionals with recognized expertise and competence in a particular domain or issue- area" (Haas, 1992:3). These groups are bound by a shared values, causal beliefs and notions of validity (Haas, 1990; 1992).

assists the Secretariat to gather the data it needs to ensure more accurate cross-checking of international and national reports.

Another example of a strategic alliance in action, is where an informal alliance between the CCAMLR Secretariat and ASOC was formed to promote the use of tory poles and streamers as devices to reduce the incidence of seabird by-catch by long-liners in CCAMLR waters.

Informal, interest-based groups are a regular feature of environmental treaty regimes. Scientists engaged in CCAMLR-related activities may belong either to the Secretariat or to other governmental and non-state organizations such as scientific associations and Greenpeace. They are bound by their shared interest in the successful implementation of CCAMLR although their precise fields of scientific expertise may differ, some being more focused on fisheries management than on seabird by-catch issues. Similarly the Ramsar Bureau's Technical Officers, and wetlands experts from IUCN, Wetlands International and Bird International, share a common concern and determination to conserve and sustainably manage wetlands of international significance, even though the targets of their day-to-day activities might vary. The Bureau's Technical Officers tend to focus on building relationships with and maintaining the support of, government officials. IUCN and the NGOs tend to concentrate their initiatives on enhancing community understanding of wetlands issues, and activating community involvement in wetlands management.

Reasons for Alliances

There appear to be four major reasons why secretariats establish informal alliances or coalitions with non-state actors. First, alliances are normal 'ways of doing business'. Second, they are used to perform secretariat tasks. Third, they are a way of dealing with contentious issues 'off the record'; and fourth, they serve as an organizational insurance policy.

While this breakdown may seem somewhat arbitrary, it is a useful way of understanding the multifaceted relationships between secretariats and non-

state actors. They are alliances of mutual gain for both secretariats and non-state actors.

Ways of Doing Business

For secretariats, informal interorganizational interactions and alliances are normal ways of doing business.

International relations research on IOs in the 1970s focused on state actor relations and sovereignty, but there have been major changes in geopolitics since then. The concept of the nation state as the cornerstone of the international order, has now been overtaken by concepts of interdependence, globalization, and the gradual disintegration of sovereignty as we know it, to be replaced by what Chayes and Chayes (1995) call the "new sovereignty". These changes have been accelerated by the ascendancy of global interconnections (via the transnational activities of global corporations), the development of sophisticated electronic communications and information management systems, the growth in the number and types of IGOs and NGOs, and the improved standing of non-state actors as stakeholders in treaty systems.

This change of emphasis in world politics is also reflected in a shift in IOs 'ways of doing business', from formal to informal networks, and from a primary focus on governments as the constituents of IOs, to a greater emphasis on their interorganizational interactions with non-state actors as well as with governments.

Many relationships and interactions in a treaty system are not formalized. Informal, interorganizational communication of various kinds occurs among boundary-spanning personnel from both governmental and non-state organizations. This informal communication is merely 'a way of doing business', as is usual practice in most public sector or private organizations which have a set of organizational objectives to meet and outputs to deliver.

The majority of informal, secretariat/non-state actor communications are not clandestine nor covert. Most are known to the members and are not

considered newsworthy items nor items of concern. Even where informal interactions exist as between the CCAMLR Secretariat and Greenpeace, convention members appear to have chosen to ignore (by failing to formally acknowledge) the existence of these interactions. To acknowledge the existence of this communication (in contradiction of Commission 'instructions'), would create a new set of tensions and potentially conflict, between the Secretariat and its CoP. Members would be forced to take formal action to reprimand the Secretariat and/or its executive head as occurred with the CITES and Ramsar executive heads. In the interests of international harmony, it is more expedient to 'look the other way'.

Alliances and coalitions may emerge as the result of communication and understanding that develops over time between secretariat personnel and representatives of non-state actors in the normal course of 'doing treaty business'. The CITES Secretariat's relationship with WWF/TRAFFIC on compliance monitoring is a particularly successful alliance for both organizations.

Task Performance

A secretariat forms alliances with non-state actors to assist it in carrying out its key substantive tasks of: data verification, national reporting and performance review; compliance monitoring; and assisting countries with capacity building.

Data and information sought by secretariats from non-state sources are used to develop a global profile of member performance and compliance. Governments and non-state actors are the primary sources of treaty system data. Secretariat access to this information is via formal channels such as self-reporting by governments as well as via informal channels such as direct and indirect communications with non-government stakeholders.

Information obtained from government sources is inevitably biased in favor of the policy perspective favored by the government of the day. It is understandably nationalistic in flavor and unlikely to highlight national implementation inadequacies and deficiencies. Information from non-

government, on-ground or field-based domestic sources and the advice of international and national experts, is a valuable supplement to formal governmental sources of data. However, just as information obtained from governments is likely to favor a particular point of view, so information from non-state actors will reflect the interests and biases of the non-state organization. Even information from 'independent scientific experts' is not devoid of bias. Science is not apolitical. The work of scientists, however objective they try to be, unavoidably reflects their personal and organizational perspectives in some way - the way they frame their research questions, interpret data and construct reports.

A secretariat needs to be sure that it has as much accurate information as possible in order to construct a complete profile of a country's performance in implementing, or failing to implement, a convention. Both formal and informal information sources are required to achieve this. As a secretariat's analysis or review of a member's performance may be used as a basis for CoP decisions to reprimand, shame and/or sanction non-compliant members, the information contained in it must be accurate. Secretariat management of formal and informal data/information flows and processes (including its decision to use, or not to use, data from non-state sources) is a powerful tool of influence.

In situations where a member is consistently or flagrantly in breach of its treaty obligations and refuses to accept the secretariat's advice or assistance, or to respond to pressure from other members, the secretariat may informally seek the assistance of domestic and international NGOs and other non-state actors to focus political and media attention on the offender. In this way, a secretariat uses its alliances with non-state actors to bring pressure to bear domestically on a party to meet its treaty obligations.

Academic freedom means that in most Western industrialized countries, scholars can voice opinions and publish material critical of mainstream governmental policy. Scientists, academics and environmental NGOs are able to mobilize the attention of the media and are often willing to take direct action to raise public awareness of an issue. In so doing they raise the political stakes for governments which fail to respond to their voters' concerns. In

contrast, secretariat dealings with the media are very circumspect. Even activist secretariats must remain, publicly, the servants of the parties.

In more authoritarian political regimes, there may be less freedom for non-state actors to voice a point of view contrary to official government policy. Where direct relations with international secretariats must of necessity be less visible, non-state actors are able to use their informal interactions with secretariats to convey information on a particular country's failure to adequately comply with treaty requirements. The secretariat can then use its lynch-pin position and its informal networks with other members and non-state actors to seek cooperative solutions to the compliance problems so identified.

Secretariat action might take the form of marshalling institutional resources to directly assist the country with capacity building to develop domestic enforcement legislation as happened with the CITES legislation in Guyana. A secretariat might use its contacts in the international media to increase public awareness of the problems in the country with a view to mobilizing assistance external to the treaty system such as funding from IMF, the World Bank or the GEF. This was the Ramsar Bureau's strategy in relation to securing funds for the management of the Lake Victoria wetlands.

A converse scenario might also apply. Where a party refuses to accept secretariat advice and/assistance with capacity building to address that same set of internal problems, a secretariat (after repeated attempts at persuasion and negotiation) might use alliances with non-state actors to focus negative international publicity on the country in order to achieve a positive change in the government's response to the situation. The CITES Secretariat's alliances with WWF/TRAFFIC and its international networks of environmental NGOs were mobilized for a similar purpose when Italy and Thailand failed to comply.

These are illustrations of the informal approaches employed by secretariats to obtain assistance with compliance monitoring in member countries as identified via non-state actor/secretariat alliances.

In previous chapters, I have given numerous examples of how and why secretariats and non-state actors form alliances to assist countries with capacity building, including the involvement of WWF/TRAFFIC, IUCN and national and local NGOs, experts and industry organizations in training courses coordinated and delivered by the CITES and Ramsar secretariats.

It is sufficient to say that secretariat alliances with non-state actors are potential sources of capacity building assistance. Resources acquired from non-state alliances frequently include: information, project funding, expert personnel, skills and technology transfer. Often capacity building alliances start off as informal communications between a secretariat and interested stakeholders (or potential donors). To be accepted by a recipient country and implemented for optimum results, these informal communications may then need to be transformed into more formal arrangements.

Information Acquisition and Exchange

Environmental NGOs and industry organizations often provide differing perspectives on an issue. Their interest in a particular convention stems from the philosophical base to which they and their constituents subscribe, and their collective belief that a specific convention is perhaps the best available international means of achieving the objectives of the constituents they represent. Even when they do not fully support the intent of a convention or its actions, these interest groups still participate in order to keep an eye on actions proposed and decisions taken by their own governments. For environmental representatives, protection and conservation of a species or habitat; the regulation of hazardous practices such as the release of toxic emissions; the ocean dumping of pollutants; and illegal trade in prohibited products, might be the focus of their activities.

Industry organizations frequently argue a contrary point of view to that of environmental NGOs. For example, they might argue in favor of the use of species and habitat, 'wise or sustainable use' (CCAMLR, Ramsar) and regulated trade (CITES, Basel). Although coming from different points of view and value bases, together, environmental NGO and industry networks are valuable sources of information for a secretariat in its collection,

verification and analysis of data, and the compilation of reports on a country's performance.

Environmental NGO and industry data and information may differ substantially from that submitted to a secretariat in the national reports of governments. However, from all these stakeholder contributions, a secretariat is able to piece together a global picture of what is <u>actually</u> happening in an issue- area, as distinct from what each stakeholder <u>claims</u> is happening.

Secretariats form interest-based alliances with scientists, lawyers and other specialists with whom secretariats interact. Specialists may be employed in the public sector, the private sector and academia. From a secretariat point of view what is important about specialists individually and collectively, is that they are sources of expert information. Their expertise has authority, their networks and constituents are politically potent, and they (or their governments) are potential sources of additional organizational resources. Associations of experts usually have direct access to government decision makers and key politicians in both the domestic and the international arena.

In Australia, global change scientists from academia and scientific institutions are participants in, advisers to, and/or have access to: federal and state governments; industry organizations such as the powerful fossil fuel lobby; the Australian Conservation Foundation; and policy "think tanks" such as the Australia Institute. Individual Australian experts and scientists are also members of the IPCC, and they have been Chairs and Vice Chairs of IPCC and FCCC Committees. Regular interactions with these Australian domestic experts, and with their counterparts in all member countries, thus provide the FCCC and IPCC Secretariats with valuable global, national and sub-national networks of contacts.

As with environmental NGOs and industry, the relationship between secretariats and experts is reciprocal. Experts provide the secretariat with advice and information, and in return the secretariat in its capacity as the CoP's institutional policy adviser can ensure that issues of concern to the experts are placed on the CoP's policy agenda. Scientists who want to draw

attention to the disappearance of wetlands (Ramsar), global warming (FCCC), or the rate of decline of a species or habitat (CITES, World Heritage CBD, CCD), keep the relevant secretariat informed about changes that might impact on the achievement of treaty objectives. Having received this information, a secretariat will then consult with relevant members and interest groups and consider the most effective strategy for ensuring placement of the issue on the CoP agenda. Timing, the priority of the stakeholder issue relative to other issues on the CoP agenda, and the secretariat's 'debt' to its ally are all factors a secretariat will consider in determining the most appropriate course of action.

The media can be a further valuable strategic ally for a secretariat. Secretariats use media outlets to promote convention objectives, and media items can be cross-checked against government, industry and NGOs sources for verification. However, secretariats are inherently wary about forming even informal alliances with the media, and tend to leave that to non-state actors.

Finally, secretariat/non-state actor alliances are used by secretariats as sources of organizational support in times of tension between a secretariat and its members as when the Ramsar Bureau sought the assistance of environmental NGOs to prevent the delisting and economic development of the Ramsar site in Belgium. Reciprocity is the name of the game for all secretariat alliances, and when non-state actors assist secretariats, they expect this assistance to be reciprocated.

Dealing with Contentious Issues

Where there is concern among some stakeholders about particularly sensitive matters on which parties cannot agree (such as the public exposure of illegal practices by members), non-state actors often contact the secretariat either directly or indirectly about their concerns. Examples of these informal interactions are seen in the tracking and verification of the transportation of prohibited products and substances including wildlife and hazardous wastes. Acquiring additional information via non-state alliances, enables a secretariat to bring sensitive matters to the attention of the decision making body of the treaty. Without this informal assistance, non-compliance might not be substantiated. National reports prepared by member governments are most

unlikely to disclose information that shows them in a negative light in an international forum such as a CoP. CCAMLR faces this problem regularly with the failure of CCAMLR member countries to formally acknowledge illegal fishing by their nationals using reflagged vessels.

Informal alliances with non-state actors can be an effective way to deal with implementation conflicts off the formal record. 'Off the formal record' does not necessarily mean that interactions to resolve the situation are conducted in secret. Just that parties and relevant non-state actors agree that there may be more effective, informal ways of handling a situation to reach a mutually agreeable and sustainable outcome, than conducting negotiations in the more public arena of the CoP and its committees. In these forums, actions by individual countries are formally recorded. This then leaves a negative paper trail about the actions or inaction of governments in implementing convention requirements.

Informal conflict management and resolution (which is 'off the formal record') is of more benefit to the treaty system as a whole. It helps a non-compliant member save face by not publicly exposing a country's deficiencies, and as noted previously, a country never knows when it might require reciprocal salvation.

Non-state actors in many developing countries or countries with economies in transition are more concerned with achieving long-term, positive results by encouraging these countries to implement the treaty, than with publicly chastising them for their failure or their inability to do so. In these situations secretariat/non-state actor alliances are mobilized to build in-country communication networks, treaty implementation skills and issue-area expertise; and facilitate technology transfer.

In situations of non-compliance, a secretariat might also call governmental and non-state actors together to broker a solution. The secretariat uses its informal relationship with domestic non-state actors to persuade them to mobilize in-country support for the secretariat's proposal, and to dissuade them from seeking negative publicity on the issue

Organizational Insurance Policy

I have already covered the major reasons for secretariat/non-state actor alliances which emerged from my study, but perhaps the fundamental reason for a secretariat to enter into such alliances is that these alliances can act as insurance policies to ensure organizational survival.

Informal networks are largely beyond the control of members and can act as a safety net for secretariat survival as required. A secretariat, when under threat from its members, can call on its non-state colleagues for assistance. Assistance to the secretariat may take the form of the direct provision of supplementary organizational resources by non-state actors, such as the personnel and/or the funding to carry out secretariat-specific tasks. The Ramsar Bureau has sought the assistance of partner organizations, scientific experts and environmental NGOs to monitor ecological changes in wetlands on the Montreux Record. Non-state actors also may exert pressure on treaty members to provide additional resources to enable the secretariat to carry out its responsibilities. WWF/TRAFFIC and environmental NGOs in the USA have provided training support to the CITES Secretariat

Non-state actors may apply pressure to treaty members to support a secretariat's recommendation to reprimand a particular member for its treaty violations, in circumstances where other members are reluctant to support negative action in case it jeopardizes their unilateral foreign policy negotiations with the non-compliant country.

By expanding, diversifying and maintaining its informal alliances with key international, non-state actors, a secretariat may decrease its resource dependence on member governments. The caveat here is, that an IO has to be extremely careful it does not jump from the frying pan into the fire, by transferring its dependence from state actors to non-state actors. To do so, would not just transfer its capture from one set of interests to another, but could jeopardize the survival of the organization. If capture were perceived to occur, member governments whose financial contributions constitute the life-blood of a secretariat, would probably withdraw support from the IO. It is a fine line between resource dependence/independence, and organizational

survival. International environmental treaty secretariats are only too aware
of this.

Covert Alliances

The majority of secretariat alliances with non- state actors appears to be 'open'
or at least not deliberately 'covert'. I am sure that secretariats and
governments will take issue with my use of 'covert' to describe a category of
interactions between secretariats and non-state actors, as the word evokes
images of deception and betrayal. However, there appear to be distinct
differences between the ways secretariats 'do business' with some non-state
actors in a given convention and the ways they 'do business' with other non-
state actors in a comparable situation or regime.

Where an international convention formally and informally encourages
transparency and an open exchange of information in the interests of
achieving sustainable and positive implementation outcomes, covert
alliances appear less frequently, Ramsar being a case in point. Covert alliances
are most likely to develop when transparency is not a treaty norm, and when
the treaty culture is closed to outsiders as in CCAMLR's case. In these
circumstances, covert alliances with non-state actors are often the only way
for a secretariat to get the information it needs to perform its substantive
tasks.

In CCAMLR, secretariat communication with public interest groups is
discouraged by the treaty culture. CCAMLR actively discourages open
communication between its secretariat and non-government actors unless
they are the non-state actors with which CCAMLR Secretariat personnel are
'permitted' to directly interact. It is a list of two - ASOC an international
environmental NGO, and IUCN, that latter being an IGO rather than an
NGO.

Unlike most UN environmental treaties including Ramsar, CITES, FCCC,
Basel, and World Heritage, all of which promote information exchange and
operational transparency in the international public interest, the CCAMLR

institutional culture appears to be one of intense distrust of 'outsiders', particularly non-state actors.[3]

The CCAMLR Secretariat has to exercise extreme caution in its relations with 'outsiders', even though the Secretariat relies heavily on the scientific expertise and information provided by non-state actors such as Greenpeace and independent scientists, to monitor compliance in the Southern Ocean. The CCAMLR treaty culture thus promotes covert, rather than an open alliances/interactions, between its secretariat and key non-state actors as an informal mechanism to enable the CCAMLR Secretariat to obtain the information it needs to ensure that treaty members are meeting their international obligations.

However in a culture such as CCAMLR's, these apparently covert communications or alliances are likely to be perceived as a direct threat to the authority of the members because of the historical lack of trust between government and non-state actors in this issue-area, and because these alliances may alter the predictability of institutional dynamics. The spill-over into CCAMLR dynamics of the animosity between the IWC and Greenpeace over whaling by Japan and Norway (which are members of both the IWC and CCAMLR), has made some CCAMLR members very wary of encouraging further interactions between their secretariat and environmental NGOs.

Finally, covert alliances between secretariats and non-state actors may develop when a secretariat feels under threat, and is fighting for its organizational survival. Covert alliances are a predictable and defensive organizational response to a potential or perceived threat. It appears to be common practice for secretariats to 'enter an understanding' with interest groups to lobby members on their behalf to achieve additional organizational resources or to avoid budget and resource cutbacks.

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[3]Observers are formally excluded from CCAMLR Commission and Scientific Committee meetings by resolution of the members unless their attendance has been officially approved 12 months in advance of the meeting they wish to attend and then only if attendance is approved by all members. This was discussed in Chapters 1 and 5.

The formation of covert alliances between the personnel of a secretariat and non-state actors such as scientists and NGOs can be an important organizational survival strategy for a secretariat. However, in a relatively closed treaty system, such as CCAMLR, a secretariat is particularly vulnerable to criticism as it is completely at the mercy of its members for its resources and survival. The institutionally vulnerable position of the CCAMLR Secretariat, its poor resource base and its organizational passivity, mean that covert alliances are a very risky enterprise for the CCAMLR Secretariat.

Summary

The formation of secretariat alliances with non-state actors inside and outside a regime, broadens a secretariat's network and its power base, including opportunities for media coverage of crucial events of non-compliance. Both secretariats and non-state actors benefit from their informal alliances. They are reciprocal relationships based on mutual needs for mutual gains.

Secretariats need informal, and sometimes covert, alliances with non-state actors as much as non-state actors need alliances with secretariats. To put it bluntly, there is a self- interest factor at work for all actors in alliances. On balance however, a secretariat is the actor potentially more at risk in entering alliances with non-state actors as it has more to lose in terms of its professional credibility, informal authority and resources.

Members are often suspicious of a secretariat's informal relations with non-state actors (particularly those actors of which members 'disapprove'), as their interactions with these actors are less visible than those with governments. They are especially concerned that a secretariat might divulge information about the members' activities to non-state actors, who might then use this information to embarrass or destabilise the government at home. In addition, members understand that alliances with non-state actors broaden the secretariat's power base.

Non-state actors also need to prove their worth to their constituents in order to ensure their own organizational survival. For many non-state actors such as environmental NGOs and industry organizations, organizational survival

and financial solvency are closely linked. For these organizations, solvency is frequently dependent on donations and subscriptions from their constituents, be they environmentalists or corporations.

Environmental NGOs need to locate 'incidents' of non-compliance to prove to their constituents and to government they are doing their job as treaty implementation watchdogs. By demonstrating their worth, donations keep rolling in and the environmental NGO lives to fight another day. On the other hand, corporations need to demonstrate to their constituents and to government that environmental NGO reports of corporate non-compliance such as excessive emissions or pollution, are flawed. In both instances neither organization has the complete picture and each comes from a partisan viewpoint.

In entering into alliances with non-state actors, a secretariat risks losing the trust and support of its members; its reputation for professional integrity and organizational impartiality; and resources. Contraction of secretariat tasks by disgruntled members and thus contraction of the organization's informal authority, autonomy and power which come with successful task performance, may also be at stake. Consequently a secretariat does not enter into any informal alliances, let alone covert alliances, lightly. When it does so, the rationale given to members is that the interaction is 'in the interests of the treaty'. On the other hand, the information and relationships that flow from these alliances bolster the secretariat's power base and leverage in the system.

Managing Conflicts And Resolving Disputes

The most 'unexpected' finding from my study is the extent to which secretariats use informal conflict management and dispute resolution processes unwittingly to influence the behavior of stakeholders. As multilateral brokers, facilitators and mediators, they actively assist stakeholders, particularly the parties, to prevent and manage implementation conflicts.

In my opinion, this is the finding that offers the most scope for understanding how secretariats actually manage networks creatively in the face of significant organizational constraints, and for considering how these organizations might be used more effectively by regime stakeholders to realize their full organizational potential as facilitators of catalysis.

Conflicts and Disputes: Intrinsic Components of International Treaty Systems

The presence of conflicts in an international treaty system is not an aberration nor a sign of system failure. On the contrary, the existence of conflict is an interorganizational network norm (Buntz and Radin, 1983). In fact conflict management is the way a treaty moves forward or progresses.

Policy conflicts raise issues within a regime and those issues have to be resolved. Formal voting will not resolve the underlying causes of a conflict, nor resolve the presenting symptoms. In fact taking a formal vote can completely disable regime effectiveness as has happened with the whaling convention (Pers.Com. Chayes, 1998). Voting to resolve a conflict creates an adversarial situation or confrontation which more frequently than not results in a stalemate as no party wants to lose face by being perceived to concede. The end result of such a situation is non-compliance and the failure of the regime to meet its objectives.

Avoiding and managing conflict is then, the work of the regime and the way a regime moves forward and managing implementation conflicts is the responsibility of the secretariat in its capacity as regime manager. In the absence of an activist secretariat acting as a conflict manager, unresolved conflict frequently holds back regime development. Unresolved or unmanaged conflict prevents a regime from adapting to changes in its policy environment. A conflict may also escalate into a fully-fledged dispute which requires external intervention by the International Court of Justice (ICJ) as the international entity responsible for dispute settlement in the majority of international agreements. Conflict management is an adaptation measure which must be mastered if regime implementation is to progress towards the successful achievement of compliance.

Treaty systems are essentially frameworks for managing international issues which are, or might become, sources of international tension and conflict. An international treaty or convention is a conflict containment system which is constructed specifically to address a set of actual or potentially emerging concerns within an issue-area.

Formal dispute settlement procedures have been the traditional devices used to promote compliance. The majority of international agreements, contain clauses providing specifically for the resolution of 'disputes' among two or more member nations. That is, formal dispute settlement tends to say that parties are the disputants, while conflict management has the capacity and the flexibility to include actors who are not parties. This is an especially important distinction if complex, multi-stakeholder, multi-issue, international environmental policy conflicts are to be successfully managed and resolved.

In most cases formal dispute resolution or settlement is relegated to the International Court of Justice (ICJ) as a court of last resort, should direct negotiation, arbitration and mediation among the parties not succeed. As noted, disputes in international treaty systems rarely reach the ICJ (Chayes and Chayes, 1995). Members would rather keep conflict management and dispute settlement in-house as this saves face and largely avoids international public condemnation. By keeping dispute settlement, effectively 'in-house', members argue that they have a greater opportunity bring pressure to bear on disputing parties to reconcile their differences in the interests of the treaty as a whole, rather than resorting to judgment by an outsider (the ICJ) which has no commitment to either the treaty objectives or to achieving a sustainable outcome of the dispute.

In taking this stance, members are motivated largely by self-interest. They prefer to keep a treaty's 'dirty linen' away from public scrutiny. In collectively opting for in-house management of disagreements, each member is protecting its own interests. A member never knows when the time might come for its own actions, or lack of actions, to be criticized by other members and when it too might be required to submit to the treaty's chosen means of resolving problems.

In treaty texts and scholarly works, in-house treaty processes for managing problems that arise during implementation (negotiation, mediation and arbitration) are formally considered the responsibility and province of the members, not of the secretariat. In reality, there is a big gap between theory and practice. When members decide to take an active role in dealing with treaty problems, it is usually in high-profile environmental disputes (such as the ivory trade case), which have already reached an impasse, are in the public eye, and are in danger of spilling over as diplomatic or political incidents into other issue-areas or regimes such as those of national security, trade or human rights. However, secretariats acting as intermediaries or multilateral brokers, do the lion's share of assisting stakeholders to sort out operational and management problems and conflicts that arise when implementing a treaty.

Conflict management and dispute resolution are part of normal network management activities for all activist secretariats when they act as multilateral brokers. Even passive secretariats such as the CCAMLR Secretariat undertake some conflict management activities at what is generally considered the lower end of a broker's or intermediary's intervention scale. In building consensus among members to take a particular course of action, even a passive secretariat will usually assist stakeholders with fact-finding. The former Data Manager of the CCAMLR Secretariat acted as a facilitator to assist CCAMLR's scientific working groups to reach agreement on the objectives, priorities and methods of fish stock assessment and ecosystem data collection and analysis. As decision making in CCAMLR is by consensus, agreement on the approach to data management was an essential prerequisite for enabling members to reach consensus in the Commission.

An additional complication in treaty implementation disagreements is that many implementation tensions and problems do not present as clear-cut disputes between two or more countries, which is the legal model that seems to have been used for drafting the dispute settlement clauses in international agreements. In contrast, policy implementation problems tend to take the form of wide-ranging and/or long-standing areas of disagreement or conflict within which acute episodes emerge as distinct disputes. In this context, I

make a fundamental distinction between conflict management and dispute settlement as it is usually known in convention texts.

As noted earlier, the existence of a global environmental agreement is international recognition of the need for a set of structures and processes to contain tensions and conflicts which arise, or might arise, in issue-areas such as the management of wetlands, deserts, Antarctic marine living resources, and the disposal of hazardous wastes. On-going dialogue and negotiations are required to reach a global agreement on the management of an issue-area over time. To be successful, management must be seen to be fair, sustainable and acceptable to all major stakeholders.

The ivory trade issue in CITES is an area of chronic disagreement in which acute episodes of disputation occur as happened at CoP9 in 1994 over the relaxation of trade in ivory and elephant parts proposed by several African countries. This escalated into a dispute fueled by the opposition of the majority of the Northern-developed member countries and international environmental NGOs to the proposal. It was resolved by a negotiated compromise at CoP10 in 1997, brokered in part by senior personnel of the CITES Secretariat. The outcome was an agreement to relax trade restrictions on stockpiled ivory with a caveat that the situation would be monitored and would be formally reviewed at the next CoP in 3 years time.

International public policy implementation conflicts and disputes inevitably include a wide range of member and non-member states and non-state actors and interests, including stakeholders such as local communities which are outside the formal treaty system, but which have a stake in the outcome of a conflict.

Ramsar's multilateral water hyacinth eradication and management regime for Lake Victoria in Africa might not have an immediate nor readily discernible impact on down-stream local communities, but these communities might still be concerned about the medium and long-term impacts of herbicide use on their livestock and drinking water. They are thus stakeholders. In a similar vein, the logging and mining of tropical rainforests by transnational companies in South East Asia, Ecuador and the Amazon

River basin are of immediate interest to indigenous peoples in these areas who have traditionally depended on these forests for their physical and cultural survival.

Fair, successful and sustainable outcomes of conflicts such as these, need to take into account all the interests, needs and the BATNA (Best Alternative to a Negotiated Agreement, Fisher, Ury and Patton, 1991), of each stakeholder in a particular treaty. Assisting stakeholders to reach agreement can be a time consuming, resource-expensive and complicated task network management task for secretariats who are regularly approached by groups such as those mentioned, or by NGOs on their behalf. This has occurred in Ramsar, the ITTA and the World Heritage Convention, where local communities and indigenous peoples have sought secretariat intervention in conflicts either directly or through IUCN, to ensure their cultural survival (Pers. Com. WH Sec.1993; Ramsar Bureau, 1995).

Explaining Conflict Management and Dispute Resolution

Before discussing the approaches taken by specific secretariats to assist stakeholders to avoid, manage and resolve disagreements, I shall first explain the terms that I have chosen to use - 'conflicts' and 'conflict management;' and 'disputes' and 'dispute resolution' - and the reasons for my choice. I then outline the conflict management and dispute resolution processes which make up these ambit terms.

Crowfoot and Wondelleck (1990) provide a useful explanation for distinguishing between public policy conflicts and public policy disputes. I have found their explanation to be as applicable in the international public policy context as it is in their North American natural resource management context. As suggested by Crowfoot and Wondelleck (1990), conflicts involve:

> Fundamental and ongoing differences, opposition, and sometimes coercion among major groups in society over their values and behaviors toward the natural environment. Such conflict is very wide in scope and in part arises from the rapid change in human population, technology, social structures, and social norms. *Within this conflict, there are many smaller and quite specific episodes referred to here as 'disputes'* [my italics] (Crowfoot and Wondelleck (1990:17-18) in Dukes (1996:194-95).

Dukes (1996) then goes on to say, and I agree, that it thus seems appropriate to understand 'conflict' as the larger problem or class of problems represented by episodes of 'disputes'.

Where I differ from Crowfoot and Wondolleck (1990) and Dukes (1996) in my choice of terminology, is that I have chosen to use the generic term 'conflict management', instead of Dukes' term "public conflict resolution". I believe that 'conflict management' is a simple though accurate descriptor of the activities undertaken by secretariats to deal with implementation difficulties. In any event, all international environmental treaty implementation conflicts are public conflicts as they all involve governments as stakeholders or interested parties (Susskind and Cruickshank, 1987).

If public policy development is an incremental process of bargaining and negotiation, then international public policy implementation is an incremental process of public conflict management interrupted by episodic disputes which must be resolved if a treaty is to continue to exist and thrive.

Secretariats use a range of third party intervention or intermediation (assisted negotiation) strategies and processes to fill a vacuum in the formal treaty system in the ways in which implementation difficulties and disputes are avoided, managed and resolved.[4]

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[4]These processes are known variously in US negotiation and dispute resolution literature as alternative dispute resolution (ADR); public policy dispute resolution (when applied to public policy conflicts); or environmental dispute resolution (EDR) when applied to environmental conflicts. The US body of negotiation and dispute resolution literature has emerged primarily from the legal disciplinary stream, hence the preponderance 'dispute' acronyms. However, to use the term 'dispute' in an international public policy context risks misinterpretation and confusion with the terminology in the legal text of international agreements, where there is a clear, legal interpretation of the term 'dispute,' and a set of formally required processes to address and resolve 'disputes'.

For this reason I have used the term conflict management as a generic term to describe the approaches adopted by secretariats to prevent, minimize and manage conflicts in their capacity as the network managers of a convention. Within this general descriptor, I then identify (from the existing negotiation and dispute resolution literature), sets or groups of processes which are used to prevent and manage conflicts which have the potential to impede and/or derail policy implementation. These processes are known as conflict management or consensus building processes.

I use the terms 'disputes' and 'dispute resolution' to refer to specific incidents which have reached an impasse within the larger field of convention implementation conflicts. From the

Conflict Management

I consider that conflict management aptly describes the network management initiatives taken by secretariats to avoid, manage and resolve tensions and difficulties that predictably emerge as patterns of conflict in implementing a convention. In practice, international policy conflicts are rarely neatly resolved. However, they can be managed sufficiently to ensure that policy is implemented, that the majority of treaty objectives is achieved, and that the treaty moves forward.

The conflict management processes and skills used by secretariats are ways of managing the complex interdependencies of interorganizational networks as harmoniously as possible. Conflict management strategies and processes help build relationships of trust among individuals and organizations; they act as communication channels for the transfer of information and knowledge; they provide forums in which stakeholder behavior may be changed to achieve positive outcomes for all treaty stakeholders; and they serve as a means to mobilize networks and resources. Participation in conflict management processes is an individual and (hopefully) an organizational learning experience, whatever the collective outcome.

Conflict management skills are essential for professional secretariat personnel especially those in boundary-spanning roles who act as multilateral brokers which, in practice, was all of those I interviewed. Personnel involved in conflict management initiatives, need to understand and anticipate how, and in what circumstances, conflicts and disputes might develop. Many of the professional personnel in secretariats are experts in their professional fields - scientists, lawyers and economists. However, to my knowledge, none of the professionals in the case study organizations was trained specifically to deal

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same negotiation and dispute resolution literature source I then identify the processes that are used to resolve disputes. These are dispute resolution processes.

Both consensus building and dispute resolution processes are forms of assisted (as distinct from unassisted) negotiation.

with conflict. They learned these skills 'on the job' by observing and working with more experienced colleagues and mentors.

Secretariats may be called on informally by any one of the stakeholders in a disagreement to assist them in dealing with a conflict that has emerged or is in danger of emerging, and which could have a negative effect on policy implementation outcomes - and on the interests of the stakeholder.

In these circumstances, secretariats select the best possible combination of processes to reach a solution. For secretariats, with no formal knowledge of the terms 'conflict management' or 'dispute resolution', they see it as choosing from among the portfolio diplomatic and management strategies and skills that they have built up over years of *ad hoc* experience in comparable situations, or that they have learned from talking with, and observing, mentors and colleagues in action. It is very much a case of mixing and matching the processes to suit the issues and interest groups in the conflict or dispute. No one conflict or dispute is ever the same, so there can be no uniform or universal, prescribed approach for all conflicts or disputes in a treaty system. It is highly probable that several different consensus building and/or dispute resolution processes will be used in each case before a solution is reached.

As multilateral brokers, professional secretariat personnel regularly facilitate the prevention and resolution of conflicts. They assist parties with fact-finding to solve problems of data insufficiency for transboundary wetlands management, or to agree on the nature of the data to be collected as happens in CCAMLR.

Secretariat mediation of disputes, occurs less frequently. This appears to be primarily because of the potential loss of face involved for the parties if they are perceived to have relinquished control of this activity to their 'servant', the secretariat.

I agree with the US negotiation and dispute resolution literature which distinguishes between consensus building and dispute resolution processes. *Consensus building processes* such as fact-finding, collaborative problem-

solving, policy dialogue, regulation-negotiation (reg-neg), and facilitation are conflict management processes; while mediation is a *dispute resolution process* (Susskind, 1993).

However, there is agreement in the literature that both consensus building and dispute resolution processes are assisted negotiation processes, as distinct from unassisted negotiation processes where the parties in conflict or dispute resolve the problems directly themselves without the assistance of an intermediary. All assisted negotiation processes involve the help of a skilled intermediary who assists the parties to develop appropriate problem-solving processes aimed at maintaining or improving relationships in the treaty system to prevent the escalation of a contentious issue or problem (consensus building); and/or to resolve a dispute that has reached an impasse (dispute resolution) (Susskind, 1993).

The objective of both conflict management and dispute resolution is for all parties to achieve mutual gains by working together to find mutually acceptable alternatives to what are usually perceived to be 'no option' solutions (Susskind, 1993). It is a requirement of both sets of processes that the stakeholders negotiate face-to-face. These negotiations may be formal or informal. In a treaty context they are usually a combination of both. Informal negotiations are often used at least initially to build trust and understanding among the participants and to get to the substance of an issue, without requiring a politically or legally binding commitment by the participants. Having reached agreement, the outcome of an informal consensus building process may well result in a formal or legally binding agreement or policy which is then endorsed by the Standing Committee on CoP. This combination of informal and formal processes has been used for fact-finding and policy dialogue by CCAMLR in its determination and formal endorsement of policies for ecosystems management.

In both conflict management and dispute resolution, it is not unusual for the treaty secretariat to do the work of facilitating or mediating the problem, although it appears to be an unwritten rule that, in the event of a successful outcome the parties (rather than the secretariat), get the glory or the public

recognition. In contrast, should a process not be successful, it is likely that the intermediary (the secretariat), will be blamed.

The next section outlines specific conflict management processes which have been used by global environmental treaty secretariats to manage and resolve implementation problems

Conflict Management Processes

Consensus building constitutes the bulk of the conflict management to dispute the resolution processes used by secretariats. In consensus building, the stakeholders in a conflict agree to invest time, energy and resources in the 'front end' of a problem <u>before</u> an impasse has been reached in order to minimize risk of conflict escalation and its attendant costs (Sandford, 1995:149).

Consensus building processes, such as fact-finding, collaborative problem-solving, policy dialogue, and regulation-negotiation(reg-neg)) are the primary focus of secretariat intermediary activities.

Fact Finding

Fact-finding is used to assemble all the pertinent information required to reach agreement on an issue. It is facilitated by an intermediary, in this case a secretariat. Fact-finding is a relatively non-threatening process both for the stakeholders and for a secretariat which is reluctant to risk taking the initiative in potentially difficult situations.

The CCAMLR Secretariat used fact-finding to identify data objectives, priorities and collection strategies in the Fish Stock Assessment Group and the Ecosystem Monitoring Group. The group facilitator, in this case the former CCAMLR Data Manager, then 'worked' (talked and negotiated) individually and collectively with the members of each group to help them reach a consensus on how they wanted to go about sorting out their disagreements on methodology. He helped the participating scientists to identify common ground and points of difference among themselves

(Pers.Com.Sec.Delegates, 1995). Having reached agreement on the data required and how they would solve any problems they encountered in its application (*collaborative problem-solving*), the group was then in a position to take its findings and policy recommendations to the CCAMLR Commission for formal political endorsement and eventual publication as CCAMLR's official policy statements.

Policy Dialogue

CCAMLR's official position statement on ecosystem management followed a series of negotiations (policy dialogue) among Commission members and Secretariat personnel on what the policy should contain in order to reflect the collective CCAMLR view. Policy dialogue was thus used to generate public policy from scientific fact. As an 'honest broker', the Secretariat provided ideas leadership and policy guidance (based on its global perspective), to assist the parties to reconcile diverging national policy views and to achieve an agreed policy outcome.

Regulation-Negotiation (reg-neg)

An example of regulation-negotiation used by the Ramsar Bureau was its facilitation of the development of the Ramsar Wise-Use Guidelines for global application in the management of Listed sites. Here, Bureau personnel facilitated a series of meetings among members, partner organizations and key NGOs to draft guidelines for the implementation of Ramsar's wise-use concept (Annex to Rec.C.4.10).

A similar consensus-building approach was used by the CITES Secretariat in facilitating the development of the principles of CITES implementing legislation for domestic application.

Secretariats as Multilateral Brokers: Two Case Studies

Conflict management initiatives taken by secretariats may be clearly visible, or they may be less transparent, to observers outside a treaty system. The following examples demonstrate how the Ramsar and CITES secretariats

have used consensus building processes to overcome implementation conflicts as obstacles to successful treaty implementation. In addition, these cases demonstrate the differences in the conflict management approaches adopted by each secretariat.

Preventing Transboundary Conflicts: Ramsar

The Lake Victoria case illustrates the Bureau's transparent approach to building consensus among a diverse group of stakeholders each of whom has an interest in the management of a transboundary wetland of international importance but who are divided by their differing perceptions of their individual national and sub-national needs, and their BATNAs.

In brokering a strategy for the management of Lake Victoria, the Ramsar Bureau official took the following steps to build consensus and reduce mounting tensions over the future use and management the site .

(i) Through his formal and informal networks, the Bureau's Technical Officer for the African region identified all the relevant stakeholders - including member and non-member states, state and non-state stakeholders - their interests, needs and BATNAs.

(ii) He then facilitated a fact-finding process to obtain all the hydrological, ecosystem, social, economic and other data necessary to develop a comprehensive picture of this particular wetland. The fact-finding process mobilized the relevant technical and scientific experts, state and non-state actors and their interorganizational networks. It also ensured a level playing field of information for all stakeholders, in that all stakeholders had access to all the information identified by this process, including relevant information from neighboring countries which would not have normally been available.

Fact-finding was the first step towards obtaining the information and data required as the baseline for negotiating and implementing a multilateral management plan.

(iii) The Bureau official then facilitated a *collaborative problem-solving* process, bringing together representatives of the key stakeholder groups in informal, face-to-face interactions such as site inspections, impact assessment, and informal meetings to identify common ground as well as the issues in contention; to learn about each other's needs and political positions, including budgetary and personnel constraints; to identify the management options that would be acceptable to all stakeholders with an interest in the current and future use of the wetland; and to brainstorm potential solutions. Discussions included: the application of the Ramsar of Wise-Use guidelines to this site; the responsibilities of individual states; and the development of a transboundary management plan for the site.

(iv) The Bureau officer then directly facilitated the preparation of the management plan for submission to the GEF for funding to implement the agreed multilateral, wetland management regime.

Preventing Conflict Escalation: CITES

Another example of secretariat conflict management action concerns relations between a member and a non-member state of a convention where policy implementation was constrained by the inability of the governments concerned to communicate directly on matters of common interest.

Interaction between secretariats and non-member states may be formal or informal. It is formal when the secretariat, acting on behalf of members of the treaty system interacts with non-member states to encourage them to join the convention by spelling out the benefits of membership of the network. Often though, the interaction is informal. Secretariats can interact with non-member states in ways that members cannot. In many instances, a secretariat acting as a go-between, contacts a non-member state as an informal proxy for a treaty member whose political and diplomatic position does not allow its formal interaction with a particular non-member country. In this capacity, the secretariat facilitates indirect and informal interaction between the two governments as more formal contact between the member and the non-member might be misinterpreted with negative consequences for either, or both, countries. It might also have a possible negative ripple effect on

international relations in other issue-areas such as national security. Similar national stand-off situations may occur between member countries within the treaty system.

The CITES Secretariat is an example of a secretariat acting as a facilitator of consensus building between a member and a non-member state as in the case of the relationship between the Peoples Republic of China and Taiwan.

There are no diplomatic or other formal relations between these countries. Political relations are cold at best. Yet the successful global control of the illegal trade in endangered species and their parts for use in traditional medicines is heavily dependent on the compliance of both countries as importers of body parts of endangered species for their domestic, traditional medicine markets.

China is a member of CITES but Taiwan is not. China refused to participate in CITES if Taiwan was a member. For China and Taiwan to openly communicate in a CITES forum would have been seen to compromise the long-standing political standoff between the two countries with a resultant loss of face for both governments. This would have been politically and culturally intolerable for both Taiwan and China. However, the cooperation of both countries was needed if CITES trade regulation was to be successful. Successful regulation could not be achieved without agreed regional management strategies involving both China and Taiwan as significant regional importers, re-exporters and consumers of these products.

So, although there could be no direct communication between these countries, senior management from the CITES secretariat acting informally and accepted as an honest broker by both parties, conducted shuttle negotiations and communications to arrive at a solution which aimed to meet CITES' objectives in a way that also met the needs of both Taiwan and China without their having to formally interact.

Given the official 'absence' of face-to-face contact in these Secretariat manoeuvres, the consensus building processes used by the Secretariat in these circumstances cannot be officially categorized as such, as by definition,

consensus building requires direct face-to-face contact among the stakeholders. It was however, unequivocally a consensus building exercise.

On an informal level, the CITES Secretariat provided an impartial forum for representatives from each government to meet unofficially, thus overcoming the obstacle of loss of face and the risk of confrontation. Informal social occasions and CITES educational and training programs, provided additional and politically acceptable opportunities for the relevant representatives from China and Taiwan to interact unofficially, to collaboratively work out ways for CITES to meet its sustainable trade objectives. All these activities were facilitated by the CITES Secretariat acting as a multilateral broker

Dispute Resolution

In this study, 'dispute resolution' is used in a very specific way to mean facilitation and mediation *processes*, these being the dispute resolution processes used by secretariats to break an impasse or resolve a specific international environmental policy dispute. In acting as a dispute resolution intermediary, secretariat personnel may also perform the *roles* of facilitator and/or mediator at different stages in the negotiations.[5]

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[5]Variations of 'facilitation' and 'mediation' appear to be used in the negotiation and dispute resolution literature to describe both the *roles* (facilitator and mediator) of intermediaries in assisting actors to deal with problems encountered; and to describe the *processes* (facilitation and mediation) which intermediaries use to arrive at a solution. The only consistent distinction that I could ascertain was that 'facilitation' (and *not* 'mediation') is used to describe the management activities used by intermediaries to assist stakeholders to design and then manage the processes by which they agree to address and manage their conflict. Facilitators are thus process managers, whereas mediators tend to be more interventionist in and directive of, both process and substance (content) of the issue in contention.

Both 'facilitation' and 'mediation *processes* may be used to resolve disputes that have reached an impasse. While facilitation focuses on the actual intermediation processes themselves, dispute resolution usually involves more direction by the intermediary in terms of both process and substance, including suggestions about how the participants might go about generating options and packaging solutions.

To my mind, the distinction in the literature between 'facilitation' and 'mediation' as roles and/or processes remains unclear. I shall therefore use these terms to describe both the role, and the processes used by the intermediary.

By the time a conflict has escalated into a dispute and reached an impasse, it usually has a high political and public profile. As discussed previously, it would be most unusual for governments to allow, let alone encourage, their secretariat to act as an intermediary in such circumstances because they fear of international perceptions of loss of governmental control of treaty decision making to the ICS.

US domestic dispute resolution processes also include non-binding arbitration. I found no evidence to suggest this process is part of an international treaty secretariat's dispute resolution portfolio.

Treaty secretariats have no formal powers to use non-binding arbitration, nor do they have a comparable process in their professional repertoire. One possible exception to this last comment, might be the "weighted average option"(Mouritzen, 1990), which was apparently trialed by an FCCC Secretariat officer in facilitating several working groups in the lead up to the FCCC's CoP2 in Bonn in 1996. Given the profound and apparently insoluble differences among the parties in trying to reach agreement on targets and timetables for GHG emissions, the officer endeavored to push for a compromise based on a weighted average of the participants positions (Pers.Com.FCCC Sec.1995). This was only feasible given the numerical nature of the resolution sought, that is, a tangible level of agreed emissions, and a date by which these were to be achieved globally. I do not know to what extent this objective was achieved nor how productive this "weighted average" formula was.

In contrast with my findings on secretariat use of conflict management, I was unable to obtain concrete and publishable evidence that secretariats mediated disputes. Certainly, the relatively passive CCAMLR Secretariat does not, and has not, acted as a mediator in terms of providing direction and substantive input to the resolution of the much publicized CCAMLR disputes such as those over illegal fishing.

In the Ramsar Bureau, a senior, experienced, and highly internationally respected professional, by his own admission and supported by comments from IUCN and IWRB representatives and several national delegates, has

regularly been asked to facilitate and mediate both in-country and transboundary disputes, particularly disputes involving the interpretation and application of Ramsar's Wise-Use Guidelines. However, these requests for him to mediate disputes appear to have been made more on the basis of his abilities and reputation as a *individual* who is perceived to be a skilled and trusted intermediary, rather than in his capacity as an official of the Ramsar Bureau.

I was told of two examples of senior CITES Secretariat personnel acting as both facilitators and mediators of highly public disputes. However, it was specifically requested that I not divulge this information on the grounds that the political fallout could be extremely damaging to the countries' successful implementation of CITES. No doubt these revelations would also be damaging to the careers of my sources as trusted intermediaries.

From the information I was able to obtain from personal interviews with Secretariat personnel, NGOs and a few delegates from developed countries in 1995, it appears that senior CITES Secretariat personnel, especially the Deputy Secretary-General and the Scientific Officer, Central and Southern America CITES are regularly asked to perform as mediators of volatile disputes. As with the Ramsar Bureau official, requests for their mediation services seem to be related to stakeholder perceptions of *individual professionals* as being trustworthy and impartial with a long-track record of successfully managing treaty implementation conflicts

The need to preserve client confidentiality is clearly a limitation on the evidence I am able to present to substantiate the significance of secretariats as mediators of treaty system disputes. However, I would be surprised if, for the reasons I mentioned earlier, governments formally supported secretariats in their mediation initiatives or gave them much leeway in this regard.

From what I could gauge, requests for CITES and Ramsar secretariat personnel to assist in resolving disputes, were based more on the qualities of the individuals sought, including their impartiality; their professional expertise and experience; their standing; and their (informal) authority in the treaty system as perceived by stakeholders. Personal qualities were also

considered significant. Specific additional personal and professional qualities mentioned were: they were able to guarantee confidentiality; they were considered trustworthy; and they had demonstrated leadership, tolerance, patience, empathy, cultural sensitivity, and a sense of humor in previous encounters. These qualities, rather than secretariat membership alone, were regarded as important 'eligibility criteria' for potential facilitators and mediators in international treaty systems.

Summary

My research indicates that international treaty secretariats do not knowingly use conflict management and dispute resolution processes. Rather, they have developed and accumulated an *ad hoc* repertoire of skills for managing difficulties and disputes that arise in the course of treaty implementation. These skills are derived from the professional and personal expertise and experiences of individual personnel, particularly the professional boundary-spanning personnel. Over time, this expertise and skills become part of a secretariat's skills base and corporate memory. Should personnel skilled in conflict management leave a secretariat, unless this *ad hoc* expertise has been recognized, institutionalized in the corporate memory and transferred to the organization's resource base by mentoring and training, it is lost to the organization and the treaty system. In this way the secretariat and the treaty become de-skilled. De-skilling is a significant organizational problem for all environmental treaty secretariats and the only way to ensure a secretariat does not lose essential skills, is to instigate management policies for strategic and succession planning (Pers. Coms CITES, Ramsar and CCAMLR Secs, 1995).[6]

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[6]Unfortunately there is lack of succession planning in most treaty secretariats. Reasons given were: the lack of time from day to day operations and the pressure of work to think about it; it is not an immediate priority. The latter reason was cited by several senior CITES Secretariat professionals even though in that Secretariat, the Deputy Secretary-General and the Scientific Officer in charge of the Central and Southern American region in whom a large proportion of the members' confidence was located, were verging on retirement in 1995, as was the similarly placed Deputy Secretary-General of the Ramsar Bureau.

All these officers had been with their secretariats since they began in the 1970s. In the small CCAMLR Secretariat, the loss by resignation for career path reasons of the Data Manager, who was also widely regarded by delegates and NGOs as an effective manager of data disagreements, was not anticipated and there was considerable down-time in recruiting a

Secretariat conflict management and dispute resolution skills are critical to the development and success of international agreements. Environmental conventions such as those studied, rely heavily on the collection and analysis of complex, scientific data as the basis for policy development and decision making. In cases where there are conflicts, or there is the potential for conflicts and disputes over the nature of the data, its interpretation and management, a secretariat inevitably has to play a conflict management role (in some case willingly, in others reluctantly). This being so, its boundary-spanners must have the skills to perform effectively as multilateral brokers.

Summary of Chapter 7

These four 'unexpected' findings demonstrate the previously recognized ways in which international environmental treaty secretariats exert influence on treaty implementation processes and outcomes. They make extensive use of informal rather than formal interorganizational networks, and penetrate domestic policy processes to a far greater extent than is acknowledged in the literature. The formation of overt and covert strategic and interest-based alliances with non-state actors and their unwitting use of conflict management processes in the ocurse of advancing implementation and achieving compliance, further consolidate their influence.

These sources of influence serve a dual purpose. Not only do they ensure that activist secretariats have potentially, a significant impact on the success of international policy implementation and compliance, they also assist an activist organization to substantially overcome the organizational constraints it experiences as a resource-dependent network manager of a treaty system.

For secretariats, the successful management of conflicts and the resolution of disputes is a key way to exert positive influence as it can directly change stakeholder behavior. By more effectively managing and resolving the

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replacement. However, it remains to be seen if his replacement has a similar repertoire of conflict management skills.

conflicts and disputes that inevitably develop during the lifetime of a treaty, secretariats can thus make a valuable contribution to the achievement, sustainability and success fo implementkation outcomes.

CHAPTER 8: CATALYSIS: DEVELOPING THEORY FROM PRACTICE

Introduction

The central question that this final chapter seeks to address is: How do my research findings help explanation-building about the influence of international treaty secretariats on the policy outcomes of international agreements? I demonstrate that theory has a lot to learn from practice when it comes to developing useful theoretical frameworks to explain how small, resource-dependent IOs such as global environmental treaty secretariats, actually go about influencing international policy outcomes. This chapter is a first step towards exploring the dimensions of an interdisciplinary theoretical process derived from the policy practice of international treaty secretariats.

My research identified the key substantive tasks performed by environmental treaty secretariats, the exogenous and endogenous constraints they face in carrying out these tasks, and the strategies they have adopted to minimize or overcome the adverse effects of these constraints on secretariat performance, survival and growth.

In addition I also discovered four previously unacknowledged ('unexpected') and significant sources of secretariat influence on stakeholder behavior.[1] They are: secretariat use of informal international and domestic networks; in-country policy penetration; alliances with non-state actors; and the unwitting use of conflict management and dispute resolution processes.

Knowing that secretariats use predominantly informal sources of influence to change stakeholder behavior internationally and within member countries, places state and non-state actors in a better position to work out how best to harness this organizational expertise and energy in the interests of the global public interest and the more successful implementation of international agreements.

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[1] I contend that the sources of influence I have identified are the *actual and informal* sources of secretariat influence, as distinct from those hypothesized, formal sources of influence which dominate international relations and international law literature. This literature appears to disregard the potential importance of informal sources of IO influence.

By developing, consolidating and maintaining these sources of influence, an activist secretariat is thus in a position to intervene to assist treaty stakeholders to transform implementation rhetoric into on-ground compliance. The secretariat does this by undertaking a variety of activities, accepting certain responsibilities, and playing a variety of roles as the network manager of this constellation of tasks, interorganizational processes and networks of influence. The process of secretariat intervention or intermediation in pulling together this portfolio of activities, roles and responsibilities, I call **'catalysis'.**

I argue that 'catalysis', is a much-needed, interdisciplinary, explanation-building process or approach that has the capacity to transcend the differences and divisions among the stakeholders responsible for implementing international agreements and achieving compliance. The success of 'catalysis' depends on the intermediation of an activist IO such as a treaty secretariat to assist stakeholders to transform what are frequently fragmented and disparate implementation initiatives into tangible and ultimately global, compliance outcomes. In this way, catalysis contrasts with the analytical frameworks currently available through the traditional, mediums of international law and international relations. These frameworks focus on the sovereignty of nation states as their primary theoretical building block, and in so doing appear to enhance differences and divisions among stakeholders, rather than building on commonalities and encouraging international cooperation.

If 'catalysis' is so important, why has it not been discovered before ?

The primary reasons why my concept of 'catalysis' has not been discovered before now, probably lie in the choice of analytical framework (disciplinary rather than interdisciplinary) and the lack of understanding and experience of day-to-day secretariat practice, by the scholars investigating implementation and compliance issues.

Previous analysts of international secretariats and IOs have tended to stick to the tried and true disciplinary-based approaches of political science and international law. Public policy implementation theorists have focused on

domestic public policy implementation; and exponents of international public sector management such as McLaren (1980), have concentrated on analyzing the intraorganizational (and to a much lesser extent the interorganizational) aspects of large UN IOs. Finally, strategic management theory has concentrated on the private sector.

The second reason that little interorganizational secretariat research has been done before, is because the few scholars who have written about international secretariats do not appear to have had substantial prior experience as public policy practitioners. Experience in the practical realities of policy implementation would have given these scholars a firmer grasp of the operations and the problems of juggling complex networks and the competing expectations and demands of a myriad of actors, while working within tight political deadlines and with inadequate resources. Practical experience would also have afforded researchers insights into the extent to which secretariats actually deal with and resolve multiparty, multi-issue, implementation conflicts. By working from practice to theory, rather than the other way around, it is more likely that the theoretical frameworks so developed will seem relevant to and be used by, reflective practitioners. Understandably perhaps, theories crafted in academia, which do not seem applicable or useful in the 'real-world' of policy practice, will be discarded or ignored by practitioners.

Finally, the importance of understanding secretariat influence lies in what Beigbeder (1988) and Mouritzen (1990) acknowledge as the significance of IOs including secretariats, as the engines of international policy implementation into the next century, and the need for these organizations to be more creative and visionary in exercising their network management tasks and roles as the key lynch-pin organizations in the treaty system.

We therefore need some way to capture the essence of secretariat practice in a form that can be universally understood and that is transferable to non-environmental treaty systems if the implementation of international agreements is to be successful in the long-term. To accomplish this we need to understand and harness secretariat expertise, knowledge, skills, resources and

influence in ways that are useful (as well as instructive) to practitioners as well as scholars.

I hope that my identification of this public policy phenomenon I call 'catalysis', will contribute to a greater understanding between practice and scholarship.

Theoretical Frameworks Revisited: Jonsson, Mouritzen, Interorganizational Theory, Negotiation and Dispute Resolution.

In arriving at my identification of the phenomenon I have called 'catalysis', I first looked critically at the limitations of the existing frameworks of Jonsson, Mourtizen, and interorganizational theory as these were the approaches I had originally selected as being the most pertinent of the existing theories for my purposes. I then considered what negotiation and dispute resolution theory (Susskind and Cruickshank, 1987; Fisher, Ury and Patton, 1991; Chayes and Chayes, 1995; Princen,1992; Susskind, 1991,1994; and Dukes 1996) had to offer in order to construct a more relevant interdisciplinary lens for analyzing the practice of international treaty secretariats in the implementation of international public policy.

None of these theoretical frameworks was adequate in its own right, and none was able to capture all the complex facets of secretariat practice I uncovered in my field work. In particular, none of the disciplinary-based frameworks I discussed previously, was able to coherently address and reconcile the multitude of activities, responsibilities and roles performed by secretariats to move a convention towards compliance in ways that might also enhance the scholarship-practice interface by improving our understanding of precisely what secretariats actually do, as distinct from what many academics think they do.

Jonsson Revisited

My initial reservations about the practical adequacy of Jonsson's framework were confirmed by my primary research findings. While Jonsson's issue-specific factors (issue-area, issue-structure, issue-setting and regime) are

features that have been used by political scientists to characterize international political systems, applying these factors to my case studies did not advance my understanding of *how* secretariats actually exerted influence. On the other hand, Jonsson's set of organization-specific factors (reachability, mobility, conspicuousness, constituents and leadership) proved to be a relevant starting point for analyzing organizational performance, and his conclusions about the relevance of these criteria to organizational performance and influence potential were supported by much of my interview data. However my original questions remained: How to benchmark and measure the concepts as he proposed?

Jonsson also seems to assume that issue-specific and organization-specific factors remain constant over time. In contrast, my research indicates that both the issue-specific and the organization-specific factors change frequently over the lifetime of a treaty in response to external and internal institutional developments. Finally, Jonsson does not tell us how convention secretariats actually manage institutional changes, nor how they deal with the constraints they encounter in performing their primary role as network manager.

Mouritzen Revisited

I selected Mouritzen's role categorization as having the most promise for understanding the roles secretariats perform in task performance as it was derived from an empirical study of an IO, namely NATO. However, I found that while some elements of what Mouritzen calls "political roles" and "substantial roles", corresponded with what I found (See Table 2), his categorization was too fragmented to be of practical use to treaty secretariats. In addition, Mouritzen's concepts were constructed in Danish, although his research was published in English, and there seemed to me to have been some difficulties with the cultural interpretation and the translation of these concepts into English.

For example, Mouritzen talks about "passive and active mediation". These concepts do not translate comfortably into the language of the US negotiation and dispute resolution literature, where their closest equivalents appear to be "facilitation" (passive mediation) and "mediation" (active mediation). I have,

therefore, found it more culturally consistent to use the language of the US negotiation and dispute resolution tradition in my study to avoid apparent inconsistencies and contradictions in concept interpretation which may have resulted from the translation of Mouritzen's original manuscript.

Finally, I find confusing Mouritzen's grouping of what he calls "political roles" (including those of 'conflict preventor', 'boundary-role guardian', and 'instrument for a powerful treaty member') as distinct from what he calls "substantial" roles" which are intended to realize both the treaty's and secretariat's objectives, for example ('initiator', 'treaty-identity supporter', 'controller/observer', and 'expert/coordinator'.

In practice, "political" and "substantial" roles often overlap. For example, I regard conflict prevention as a "substantial" as well as a "political" role. Conflict prevention serves the political purpose of increasing a treaty's chances of success by minimizing the possibilities of implementation disruption. However to my mind, the actual conflict prevention processes such as fact-finding and collaborative problem-solving which are used by secretariats to achieve successful policy outcomes, are examples of the secretariat performing a "substantial" role.

In summary, while Mouritzen's role classifications initially looked promising, having undertaken my field work I found it very difficult to constructively reconcile the roles I saw being carried out by environmental treaty secretariats in practice, with the role categorizations suggested by Mouritzen.

I suggest that the main reason for the difficulties I experienced in trying to make use of Mouritzen's roles, was that the field data from which his role typology was developed, was based on his analysis of one large IO which could afford considerably more role demarcation among its ICS personnel, than is possible in the small treaty secretariats I studied. With a larger staff, role specialization is more likely to occur as it is more feasible operationally. Individual staff in large organizations prefer a degree of role differentiation as it makes it easier to distinguish among positions for promotional purposes. From a management perspective, role specialization is easier to achieve in a

larger organization as there are more staff among whom to allocate roles. Clear role demarcation reduces the likelihood of intraorganizational conflict and organizational inefficiency which are often caused by the overlap and duplication of jobs within an organization. As all my case study secretariats pointed out, they are seeking multiskilled generalists, not specialists; promotional opportunities are few; and in the secretariats I studied, job satisfaction and a 'calling' appeared more important to personnel than promotion.

Another apparent disparity between global environmental treaty secretariats and Mouritzen's findings is that, "NATO is a more homogeneous IO than the UN, and the political systems of NATO members are pluralistic when seen in a global-comparative perspective" (Mouritzen, 1990:133-134).

The same certainly cannot be said of either environmental treaty secretariats or their conventions. Organizational heterogeneity was the aim of all the organizations I studied, even the CCAMLR Secretariat, and member countries were characterized by an eclectic mix of social, cultural, economic and national political systems. The political systems ranged from the well established, Western-style democracies of the USA and Europe, to embryonic democracies struggling to emerge from former socialist regimes of Eastern Europe, to more authoritarian regimes in parts of Africa, Asia and South America.

However, some of Mouritzen's comments on the difficulties of studying IOs, including secretariats, echo my own experiences that,

> when it comes to [role] categories at the micro-level, regarding the contemporary decision-making processes in the closed worlds of IOs and their ICSs, we are in a difficult position indeed. We must primarily rely on interviews with civil servants involved in the processes, or in a position to observe them. The [research] questions provided a certain structure-----It turned out, frequently, that spontaneous 'stories' or other comments, not specifically asked for, were the most interesting results from an interview (Mouritzen 1990:134).

The limitations of case study research and inclusion of 'spontaneous stories' in research are not without their critics. This is discussed at length in a subsequent section. However, I contend that I could not have obtained the

previously unknown and critical material on informal networks and secretariat influence that I did, had I not adopted a case study approach and taken note of the 'spontaneous stories' of those interviewed.

Interorganizational Theory Revisited

Foundation concepts of interorganizational theory such as the significance of networks, lynch-pin organizations, and the potential influence of the boundary-spanning personnel of these organizations, were borne out by my research. Interorganizational theory has proved to be the theoretical framework that most closely approximates what my study has found out about secretariat network management practices. Interorganizational theory uses concepts and language that are readily understood by bureaucrats, and perhaps most importantly, it has the capacity to link all institutional levels from the individual in a local community to the global institution. This capability is important. I found that the networks that link individuals, organizations and international institutions are fundamental to the success of international conventions. That is, multilateral networks have a multiplier effect on individual and organizational networks, and they are the key channels or pathways by which secretariat influence is exerted, consolidated and extended.

However, although interorganizational theory pays considerable attention to formal networks, it appears to overlook the significance of informal networks in network management. Informal networks are not readily visible to outsiders. I found that formal networks are generally visible and can be linked to governments and organizations by paper trails of memos, correspondence, and documentation from meetings. In contrast, informal networks are largely manifestations of individual relationships and interactions. In many cases they consist predominantly of verbal exchanges which take place on the telephone and at meetings; in informal venues such as hallways and golf courses; and they also include informal interactions which occur in formal venues such as official diplomatic and social events.

Electronic communications including faxes and e.mail are used for formal as well as informal communications. They can be traced via paper trails, but

they can also be erased or lost more easily as e.mail is often directed specifically to an individual rather than to the organization *per se*. The onus is then on the individual to pass the communication to the central document filing system of the secretariat for retention in its organizational memory.

As far as informal networks are concerned, all the secretariats noted that when individuals leave the organization, they take their informal networks with them. Informal network loss is considered an organizational asset loss by the secretariats I studied.

The networks that each employee brings to an organization are unique. Once new recruits commence in a secretariat, they effectively have to start from scratch to construct relationships and networks which will differ from those of the previous incumbent of the position, although there is likely to be some overlap given that they occupy similar roles and that some informal networks will remain linked to the secretariat rather than to the individual.

However, informal networks appear to differ from formal organizational networks in that they appear to have an individualistic stamp/identity, in much the same way that human fingerprints are similar but distinctively individual. To identify these informal networks, it seems to me that a researcher has to be able to identify and interview chains of individuals and track these informal networks via largely anecdotal evidence, verbal communications, 'spontaneous stories' (Mouritzen, 1990) and policy narratives (Roe,1994). In my experience, corroboration of informal networks by formal documentation was extremely difficult to obtain. This raises issues of validity and reliability for academic researchers which are addressed in a later section of this chapter.

Negotiation and Dispute Resolution Revisited

In considering all the findings, expected and 'unexpected', it seems to me that the one that offers the most potential for explanation-building analysis about the influence of treaty secretariats, is the unconscious use of conflict management processes by these organizations in carrying out their tasks and in overcoming organizational constraints.

The value of conflict management lies in its capacity to build on the common ground identified among stakeholder interests, rather than concentrating on and even exacerbating, the differences and divisions among the stakeholders and their interests. In my view, we need to focus on commonalities rather than perpetuating the divisions existing already among stakeholders in the interests of successful treaty implementation. Conflict management is the theoretical framework most capable of achieving this for several reasons.

Conflict and its management are universally understood concepts. They cross political, economic, social and cultural divides. Conflict is an underlying theme in all treaty implementation, as is the need to manage it if international cooperation and harmony are to be achieved and sustained within and among international agreements, governments and non-state actors.

Conflict management is capable of cutting across issue-areas.[2] Conflict management processes are versatile. They are capable of dealing with issue-linkage as in: trade/environment; human rights/arms control; environmental protection/national security, which formal legal approaches and remedies under specific treaties are not.

Conflict management processes link formal and informal treaty systems and networks. They are inclusive, transparent and accountable. They have the capacity to involve all stakeholders (not just governments) in the interests of reaching agreed, fair and sustainable outcomes. They are also able to assist stakeholders (and secretariats) to develop systems to anticipate and manage change - in contrast with legal solutions which can only operate reactively.[3]

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[2]Conflict management processes processes in various forms have been applied nationally and sub-nationally in both Northern and Southern countries, and internationally to issues as diverse as human rights, health, trade, arms control trade and environmental protection (Sandford, 1992).

[3]By the time a legal solution has been activated, the conflict has usually escalated into a dispute and the formal legal solutions in treaty text have swung into play to resolve it. Legal solutions may well be useful for resolving high-profile, international disputes, but they are inappropriate for the prevention and management of the majority of implementation conflicts. Furthermore, the ineffectiveness of the formal dispute resolution mechanisms in international agreements is well documented (Chayes and Chayes, 1992,1995; Susskind, 1994).

The legal resolution of disputes is confined to facts. Yet, facts are only one part of the profile of an environmental conflict or dispute which comprise in large measure, values and emotions such as the intrinsic worth of a habitat or species. Emotions run high in many environmental conflicts such as those concerning ivory, whaling, and world heritage protection. Legal processes and solutions are not equipped to deal with the subjective elements of conflicts and disputes.The activation of conflict management processes, as distinct from formal dispute settlement processes, also minimizes the loss of face that governments so determinedly avoid.

National laws also vary and to many stakeholders their application appears to be inconsistent and frequently unjust (as in the prosecution, or lack of prosecution, of CCAMLR's illegal fishers). On the other hand, conflict management, is considered a universal concept that can transcend national borders and cultural differences.

How then, can we most constructively harness the influence of secretariats in their use of conflict management processes to achieve implementation objectives? The best way to do this is to understand more precisely *how* the boundary-spanners of global convention secretariats use conflict management in the interorganizational context of complex, multilateral global networks. This will enable us to develop an explanation of how and under what circumstances, secretariats use conflict management processes.

Network managers as conflict managers, need skills and training in conflict management techniques. However unlike law, conflict management is not shrouded in the mystique of a specialist profession nor is it necessarily elitist. This makes conflict management processes and skills generally more accessible to those responsible for implementing treaties. They are more easily understood by both policy practitioners and stakeholders, and so they are more likely to be used by those responsible for treaty implementation, including bureaucrats and non-state actors at all institutional levels.

Conflict management is NOT a guarantee of implementation and compliance success. However I believe that an international convention has a greater

chance of succeeding in reaching its objectives, if its members acknowledge (rather than deny) the inevitability of implementation conflicts. CoPs should take steps to anticipate and deal with conflicts. To this end they should ensure that secretariat boundary-spanners are trained and skilled in conflict management, and that conflict management and dispute resolution provisions are built into the organization's strategic plan, thus pre-empting some of the problems of task prioritization, resource allocation and succession planning.

In summary, conflict management and dispute resolution processes and skills are proven, generalizable, positive and an organizational resource. They also have the potential to be transferred among institutions as part of an international, career civil servant's portfolio of network management skills. The promotion of international cooperation and harmony via initiatives such as conflict management is therefore consistent with the objectives of all the international environmental agreements studied, and the skills and processes learned in managing one agreement are transferable to other treaty systems.

Lessons from Practice

Of the theoretical frameworks I originally selected as having potential for my research, each has its merits and its disadvantages, but none alone has proved adequate. I have, therefore, tried to construct a composite approach which I believe more adequately captures the ways in which treaty secretariats go about their tasks in practice, and in the process change stakeholder behavior and so influence policy outcomes. I have chosen to focus on three elements of network management: secretariat task performance; their network management role as a multilateral broker; and their extensive (though unknowing) use of conflict management and dispute resolution processes within an international, interorganizational context. Taken together these elements constitute 'catalysis'. In 'catalysis', a secretariat actively assists members to transform implementation concepts into tangible compliance outputs, while the secretariat itself as the facilitator of catalysis remains essentially unchanged.

Task performance legitimizes secretariat implementation activity. The tasks carried out by secretariats have been formally and/or informally endorsed by the decision making bodies of the treaty system, such as the CoP and the Standing Committee. Informal endorsement amounts to the absence of objections to a secretariat's task performance of a task(s), while formal endorsement refers to formally documented records as in the minutes of meetings, resolutions and recommendations.

The key *substantive tasks* of oversight of national reporting and performance review, capacity building, and compliance monitoring are the primary vehicles of secretariat influence, and these tasks are driven by processes instigated by secretariats. To assist a country with capacity building is impressive rhetoric, but what does this mean in practice? Numerous examples of secretariat capacity-building initiatives were given in Chapters 5 and 6.

Even *core tasks* are potential vehicles or pathways of influence. Examples of ways in which secretariats can use their core tasks to exert influence are: the inclusion of items on a meeting agenda; the prioritization of agenda items; inferences and suggestions contained in a briefing document, or secretariat report; the choice of wording used in the minutes of meetings in which a secretariat representative has acted as a rapporteur; and a secretariat's suggestions about the selection of data and information for incorporation in documentation drafting and preparation.

Having decided not to use Mouritzen's role classifications and opted instead for the network management role cluster described by Mandell as multilateral broker (MLB), I then divided this MLB role cluster in two based on my examination of the roles performed in practice by my case study secretariats in carrying out their tasks. The two interorganizational roles that I have selected as being the most significant MLB roles performed by these secretariats are, facilitator and mediator. Both roles are forms of assisted negotiation where an impartial party or intermediary works with the stakeholders in a treaty

system (and in particular with the members), to help them reach an agreed solution to an implementation problem or 'conflict'.[4]

In catalysis, the key role that treaty secretariats perform as network managers is that of *facilitator*. As a facilitator, the secretariat DIRECTLY assists stakeholders, particularly the parties, to manage implementation processes such as fact-finding and collaborative problem-solving in order to build consensus among them and prevent conflict emergence and/or to manage any tensions or conflicts that have emerged. This role, enables a secretariat to identify and to actively assist all the stakeholders, not just the members, to meet their treaty implementation obligations. Facilitation is arguably the key network mnagement role of secretariat boundary-spanners. The former Data Manager official in the CCAMLR Secretariat was regularly asked to facilitate scientific and technical meetings when differences of opinion concerning data interpretation among scientists and agreement arose and a resolution of the disagreement was required to achieve CCAMLR's implementation objectives. In situations such as this, he assisted the scientists to develop consensus-building processes to reach agreement. He did not, however, direct the scientific content or substance of the discussion, although as a professional scientist himself and the representative of an impartial IO, he gave carefully considered responses and suggestions as requested (Pers. Coms. Sec.,1995; Pers. Coms. Scientists, 1995).

A network manager's second, but less usual, role is that of mediator.[5] A mediator demonstrates more initiative than a facilitator in making a substantive contribution to the resolution of disputes <u>after</u> an impasse is reached. The parties' request for intermediation by the CITES' Secretariat in

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[4]Ideally the stakeholders in a treaty implementation conflict should be able to directly negotiate its resolution. However, this is not always possible, and conflicts can rapidly escalate out of control until an impasse or deadlock is reached. Once this level of polarization has been reached, parties to the conflict are locked in to the negotiating positions they have been advocating publicly and cannot be seen to back down without considerable loss of face. The introduction of an impartial *facilitator* can assist the parties to develop negotiation processes such as collaborative problem-solving, to prevent and/or minimize the risk of conflict escalation. Should an impasse be reached, a *mediator* might then be called in to provide substantive advice and assistance (as distinct from the essentially process assistance provided by a facilitator), about how a sustainable and mutually agreed outcome might be reached. Mediation differs from facilitation in that a facilitator manages the assisted negotiation, consensus-building or conflict management *process*, whereas a mediator manages the process *and* makes a direct contribution to the content or substance of the conflict.
[5] As mentioned repeatedly, publishable evidence of secretariat mediation was almost impossible to obtain.

the negotiation of the Lusaka Agreement among African countries (which was highly controversially and involved Northern environmental NGOs), is an example of secretariat mediation.

Interorganizational processes such as those of conflict management and dispute resolution are the actual means by which secretariats carry out their tasks. I found that implementation tensions were significant organizational constraints in that while conflict is inevitable in policy implementation and conflict management by secretariats is resource intensive, it is not formally acknowledged as a legitimate substantive task. This lack of recognition makes it difficult for secretariats to argue their case for additional organizational resources to intervene in implementation conflicts and help the treaty move forward Yet, secretariat management of implementation tensions and wide-ranging, low-level conflict was from all accounts, a significant component of the key substantive tasks I identified. Conflict management and resolution were also fundamental to the success of a convention. I discussed conflict management and dispute resolution processes in detail in Chapter 7.

Catalysis: Transforming Implementation

I have rejected Jonsson's and Mouritzen's models as I find their emphases too exclusive of the realities of secretariat practice, particularly secretariat use of informal networks, alliances and processes. Instead I have found it more instructive to concentrate on the processes secretariats have used, and might use, to perform their tasks and overcome organizational constraints, I have paid special attention to the processes these organizations use to manage the conflicts that inevitably emerge during policy implementation as they seem fundamental to the success of a secretariat's performance as a network manager.

Conflict management as a unifying concept is at the core of catalysis. It links interorganizational processes, formal and informal networks, and the organizational tasks and roles that make up implementation and compliance.

I define catalysis as the interorganizational network management process by which secretariats actively intervene to assist countries in transforming

domestic implementation concepts into tangible compliance with international treaty objectives. Activist secretariats are the critical actors in this process. As network managers and boundary-spanners, secretariat personnel act as 'catalysts' in activating and brokering those sets of initiatives that constitute catalysis.

As catalysts, secretariats facilitate: national capacity building; informal network interactions among both international and in-country state and non-state actors; and the prevention and management of implementation conflicts through consensus building activities such as fact-finding, collaborative problem-solving, policy dialogue and regulation-negotiation(reg-neg) to keep implementation on track.

When secretariats act as catalysts, they ensure that member countries transform their legal agreement to implement an international convention into practical policy measures to actually achieve compliance. Catalysis is no guarantee of compliance, but without entities such as activist secretariats in each treaty system, it appears likely from my research, that the level of compliance with multilateral environmental accords would be considerably less.

Catalysis is my contribution to theory. I believe that it provides an interdisciplinary framework for analysing the impacts or influence of international treaty secretariats on treaty implementation outcomes.

The Value of Catalysis as an Organizational Resource

So, what does catalysis contribute to our understanding of secretariat influence that other theoretical frameworks such as interorgnizational theory, specifically those advanced by Jonsson and Mouritzen, do not?

My 'unexpected' findings demonstrate the central place of informal networks interactions and alliances, and conflict management and dispute resolution processes as the implementation currency of international treaty secretariats. My aim is the development of accessible, accountable and transparent

approaches to more successfully contain and manage conflicts in treaty networks.

A primary value of catalysis is that it links individual, organizational, institutional networks and interactions in an interorganizational context, and it can be applied at international, national and sub national levels. In addition, informal conflict management and dispute resolution practices are internationally recognized. The use of intermediaries to manage and resolve conflicts has been a common practice for centuries in countries and cultures as different as China and the Pacific Islands (Sandford, 1992). In more recent times, intermediaries have been used formally and successfully to resolve US domestic public policy disputes. In the international arena, the UN Secretariat has been using intermediaries for a number of years to help resolve international peacekeeping crises (Sandford, 1992).

There is sufficient anecdotal proof from a variety of sources, (national delegates, experts, environmental and industry NGOs, past and present secretariat personnel) to confirm that fluctuating levels of conflict and dispute already exist in international networks. However, I found no formal evidence to suggest that conflict was regarded as a treaty norm in environmental accords and that as such it should be planned for and managed.

Failure to formally deny or acknowledge the existence of conflict is a mistake. When I analyzed secretariat network management activities as well as anecdotes from secretariats, NGOs and to a lesser extent delegates, it became very clear that conflict exists and has always existed in convention networks. However, the prevailing attitudes of most of the delegates I interviewed appeared to be that to formally admit to the existence of conflict in documents and resolutions, risked recriminations and a loss of face for parties who were seen to be so involved. Thus, governments generally consider that it is more convenient to 'let the secretariat deal with it', that is, to manage the conflict informally. Of course, the members are ever ready to blame secretariat if its conflict management efforts are deemed to be unsuccessful or 'fail'.

Denial of conflicts by a CoP will not make them disappear. They are more likely to smoulder until they are triggered by some action, possibly external to

the system, which then creates an impasse. Alternatively, denial results in inaction as no one can agree on what action to take, or on who should or could take the action. Inaction is often preferred to action which might culminate in an impasse. Inaction is less dangerous for international relations generally, as there is less risk of adverse spill-over effects into another issue-area, and so less loss of face for those involved. However, the down-side of inaction is that it contributes to mounting frustration and the likelihood that to reach a solution stakeholders will resort to informal activities, such as inappropriate alliance formation, negative media coverage, or the withdrawal of dissaffected members from the convention. In effect, inaction is passive resistance. Viewed constructively, secretariats acting as catalysts could be used to prevent and manage conflict emergence. Intermediation by the secretariat is likely to have a greater chance of implementation success, than its alternative, failure by inaction.

Conflict Management and Catalysis: Some Recommendations for Practice

Catalysis is really just naming and institutionalizing what secretariats do already. Since the concept of catalysis as an interorganizational, network management process is derived from practice, it is more likely that it will be used by practitioners who are traditionally wary of "new" theories from scholarship. Catalysis is thus an approach based on what is familiar, and it convincingly captures the day-to-day realities of secretariat practice.

Secretariats are more likely to accept an analytical approach based on organisational task and role performance than they are to accept an approach constructed in the absence of empirical evidence. If secretariat personnel realized that many of their traditional ways of doing business were known in academic circles as conflict management and dispute resolution, it would help them to understand what they do, why it works when it does, or fails when it does. They would then be in a better position to reflect on their network management roles and activities, and so develop more effective practices to achieve their individual, organizational and treaty objectives.

In addition, the concept and practice of conflict avoidance and management provides a good basis for training secretariat personnel and stakeholders in

managing implementation and compliance difficulties as these concepts create a level playing field and a common language that facilitates communication across cultures, political and organizational boundaries, and among interests groups with very different philosophies. Conflict management is thus a sound basis for training all stakeholders in international accords (governments, non-state actors, secretariats and community groups) in pursuit of international cooperation which is the ultimate objective of most international agreements and all global environmental accords.

The application of conflict management in secretariat policy practice has several valuable and practical uses. It can provide a common basis for training incoming personnel. For example scientists could be trained to deal with science-intensive controversies. As the Deputy Secretary-General of CITES remarked, professional staff may be expert scientists, but that does not mean they are proficient or experienced in dealing with contentious issues, angry or difficult stakeholders (Pers.Com.Topkov,1995).

Training stakeholders such as national officials and NGO representatives in conflict management techniques, would have a positive ripple effect throughout treaty system. It would help build trust and relationships both among stakeholders who might otherwise not interact, and between secretariat personnel and stakeholders. In this way too, secretariats would be seen as making a positive contribution to treaty interactions, rather than being perceived by some interest groups as simply the "institutional police" for their role in analysing national reports, overseeing performance review and monitoring compliance.

Training secretariat professionals in conflict management techniques would have a valuable multiplier effect. These personnel could then go out and train operatives in their regions. In human management resource parlance, this is known as 'training the trainers'.

As network managers, secretariats already perform conflict management roles as facilitators and mediators. However, for their conflict management efforts to be taken more seriously and to attract the resources they need to more

effectively perform these roles, conflict management must be formally institutionalized as a conscious network management strategy.

Conflict management should be built into a secretariat's strategic plan as an integral component of the plan in the same way as any other task. It should not just be an afterthought which is brought out of the closet when the going gets rough. Ideally, conflict management needs to be a line item in an secretariat's budget in the same way that training programs and regional meetings are. A predictable, governmental argument against this, is the well known difficulty of predicting and costing conflict management initiatives. This is not impossible. There is a lot of US domestic negotiation and dispute resolution experience from which to draw.

As long as conflict management remains *ad hoc* and NOT institutionalized, secretariats will not get the resources they need to perform their tasks, all of which - both core and substantive - contain elements of conflict management. Conflict management knowledge, experience and skills need to become part of the institutional memory of the treaty system, and to be included in the active management strategies of all contemporary international convention secretariats.

Case Study Research: Some Criticisms And Responses

There are two criticisms of case study research which regularly occur in the more traditional disciplines of academia. First, case study research of secretariats must, of necessity, rely heavily on interviews such as those conducted by Jonsson, Mouritzen and myself in the absence of alternative empirical data on the subject. Structured and semi-structured personal interviews shed valuable light on how the *real* worlds of international politics and the ICS operate in practice, although such researchers encounter considerable skepticism from mainstream academia about the authenticity of the data so obtained. For example, much of the evidence is verbal and anecdotal with a scant paper trail (especially where negative comments about convention stakeholders are concerned). According to a majority of the secretariat boundary-spanning personnel I interviewed, and as conceded by interviewees from WWF, IWRB, Wildlife Management International, and

IUCN, profoundly negative aspects of interorganizational interactions are rarely entered in official records unless relevant stakeholders specifically request that their comments be noted. The rationale for this approach (as given to me by secretariat and NGO personnel), was twofold. First, all the environmental conventions I examined are premised on a norm of international cooperation. To have a negative paper trail might be seen as running counter to, or to be damaging to, the creation and maintenance of a public image of implementation as a cooperative endeavor. This then might result in a loss of political commitment and thus financial support, for treaty implementation at all levels of government - international, national and sub-national. Second, parties are generally reluctant to make negative comments about fellow members for self-serving reasons. That is, such comments may rebound on the instigator at some stage in the future. If there is no negative paper trail, denial of potentially damaging negative remarks is much easier for all concerned, both for the perpetrator and the offended party. In the absence of documentary evidence, it also seems to be much easier to heal wounds and build, or rebuild, a new consensus and cooperation in the collective self- interest.

The second criticism of case study research concerns methodological rigor. This is in part, questioned by traditionalists because of the need for the field researcher to incorporate what Mouritzen describes as 'spontaneous stories' which in themselves throw further light on decisions or events that is not immediately obvious, but which is particularly valuable in identifying crucial informal networks. As discussed, informal networks appear to be particularly important as secretariat pathways of influence, and these networks are rarely evident from formal documentation. Rather, they tend to emerge from anecdotal evidence and 'spontaneous stories'.

Not withstanding these limitations, I used elements from each of the frameworks proposed by Jonsson, Mouritizen, Mandell and other interorganizational theorists. In particular, I have used the constellation of network management roles described variously in the literature as: 'fixer' (Bardach, 1974); activist broker (Jonsson,1986); facilitator (Hanf and O'Toole, 1992); multilateral broker (Mandell,1990); and activist manager (Chayes and Chayes, 1995). Several of Mouritzen's overlapping "political" and

"substantial' roles add up to a similar portfolio of network management roles. For example, Mouritzen's bridge-building roles and his substantial roles appear to overlap to varying degrees. They are, however, all performed by secretariats in their capacity as network managers and multilateral brokers.

In summary, it seems to me that it is the *tasks* that secretariat boundary spanners perform, and the *processes* that these officials use in performing their tasks and their network management role of multilateral broker, that provide the most useful information on the ways in which secretariats have an impact on policy outcomes.

Areas for Future Research

As explained, the unexpected findings of my study are that informal networks and their multiplier effects or linkages are used extensively by secretariats. These networks appear to significantly increase a secretariat's in-country penetration; and they provide opportunities for an IO to form mutually beneficial alliances with NGOS, thus enhancing the organization's potential to influence national as well as international, implementation policies and practice.

Identifying and tracking specific informal networks within selected treaty systems to test the viability of my suggested approach, is beyond the scope of this study. However, it could be a valuable area for future research if it is accepted that this study has identified informal networks as significant sources and channels of secretariat influence. There is sufficient evidence from my study to support my assertion that the informal networks of secretariat boundary-spanning personnel play a more significant role in treaty success and in exerting influence on policy outcomes, than has been indicated in the literature to date. I also contend that treaty secretariats in their network management role of multilateral broker, exert significant influence on policy outcomes; and that catalysis has the potential to provide the basis for the further development of an interdisciplinary approach to more adequately explain why and how secretariats are influential as they are in treaty implementation outcomes.

CONCLUSION

This study unequivocally supports my original assertion that global environmental treaty secretariats are more influential and have a far greater impact on treaty implementation outcomes that is evident from the conventional literature. Secretariats exert influence through the performance of their core and especially their substantive tasks, their primary role as the network manager and multilateral broker of the treaty system, and their use of informal sources of influence including informal interactions with international and national and sub-national state and non- state actors, the formation of alliances with non- state actors and the use of informal conflict management and dispute resolution processes and techniques.

As the lynch-pin organizations and network managers of the system, secretariats are the only organizations in the system to effect a global and impartial, as distinct from a national or a partisan, perspective of treaty implementation progress and compliance success. In their role as network manager, they act as the informal or unoffical caretakers of the health of the treaty system. When activist secretariats act as network managers, they are alert to and are able anticipate the emergence of dysfunctional communications and interactions among stakeholders. By acting as an early warning system of conflict emergence secretariats are able to put into place conflict avoidance and management initiatives, frequently in defiance of the dominant official view of most treaty members that conflicts do not exist. In this capacity secretariats act as the unofficial multilateral brokers of treaty conflicts.

As facilitators, and to a lesser extent as mediators of the inevitable institutional conflicts and disputes, my research reveals that secretariat intermediation is a critical element of convention success. In fact I believe that activist secretariats are critical actors in assisting members to transform the implementation promises of governments into actual compliance. In this way secretariat intermediation is a fundamental driving force in, and a determinant of, treaty implementation success.

In conclusion, it became apparent early on in my research that an interdisciplinary approach was the only way that the complexity and dimensions of secretariat activities, roles and responsibilities could be adequately described, analysed and explained. As there did not appear to be a disciplinary-based framework capable of capturing these dimensions of secretariat performance, I have developed the first step in an interdisciplinary approach that I call 'catalysis'. By 'catalysis' I mean the process of active intermediation by which activist secretariats of international conventions use their roles as network managers and multilateral brokers to actively assist treaty members to transform global and national implementation policies into actions to achieve compliance. As 'catalysts', secretariats act as non-traditional facilitators and mediators of the difficulties and disagreements that emerge over the lifetime of a treaty. 'Catalysis' acknowledges the existence of conflict as a treaty norm rather than as solely a negative phenomenon and a symptom of system or secretariat failure.

This dissertation is not meant to be the last word on 'catalysis'. It is merely a beginning. In my view 'catalysis' has the conceptual flexibility and capacity to capture the essence and dimensions of secretariat practice in all its multifaceted glory, and to act as an approach to facilitate a more accurate analysis of the activities, roles and the influence of these organizations on the policy outcomes of international agreements

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APPENDIX 1: RAMSAR:

Problems Of Institutional Evolution

This appendix contains details of specific problems experienced in the institutional evolution of Ramsar which have been major constraints on the development of the convention and the Ramsar Bureau as discussed in Chapter 5.

They are: the need for an amendments clause; the establishment of a permanent secretariat; the development of financial mechanisms; and the development and adoption of the Ramsar Strategic plan 1997-2002.

Amendments Clause: Paris Protocol

Although the Ramsar Convention was signed in 1971, the first Meeting of the Contracting Parties was not held until 1980 by which time a number of problems had emerged. Nothing happened for nine years in part due to the absence of an active secretariat. An Extraordinary Conference of the Contracting Parties was called for 1982 and approved a protocol to amend the treaty. However the protocol itself (Paris Protocol) did not enter into force until 1986, some 15 years after the treaty was signed. By 1994, almost all the Contracting Parties had accepted the Paris Protocol (Davis, 1994).

Permanent Secretariat: The Ramsar Bureau

The evolution of the Ramsar Bureau is an object lesson in what not to do when trying to establish a stable organizational infrastructure. In my opinion, it is remarkable that the Bureau has been as successful as it has given its relatively inauspicious beginnings. Its effectiveness owes much to its technical capacity, the personal and professional commitment of its personnel, and the support of its non-state partner organizations. Ramsar differs from both CITES and CCAMLR in that much of the credit for its creation and its continuation rests with non-state actors, particularly IWRB and IUCN.

The need for a permanent body to supervise the implementation of a convention and to convene regular meetings of the parties, and the need for financial support was recognized in the 1960's. However, no agreement could be reached on the form these entities should take.

In 1971, IUCN agreed to take on the 'ongoing duties' of a secretariat on an interim basis without payment, but for financial and resource reasons was unwilling to convene meetings of the parties. IWRB, which had been a driving force behind the creation of Ramsar, agreed to do this as it had already invested heavily in bringing the convention into existence and did not want it to fail. This was the beginning of the split-Bureau (an interim arrangement) with some Bureau functions located with IUCN in Gland, Switzerland and the remainder with IWRB in Slimbridge, UK. The rationale for this division of duties was that IUCN had legal personality which IWRB did not, while IWRB had the scientific expertise.

In 1982, the arrangement was formalized in a Memorandum of Understanding (MOU) between IWRB and IUCN. In 1987, at an Extraordinary Meeting of the Contracting Parties, the Regina Amendments were adopted. Among other things, these amendments made formal provision for the establishment of a Standing Committee and a permanent secretariat, and adequate funding (Mathews, 1993). The Regina Amendments constituted a major overhaul of the institutional infrastructure of the convention but although signed in 1987, they did not enter into force until 1994.

The bifurcated Bureau arrangement persisted until the Fourth Meeting of the Contracting Parties in 1990 at Montreux when the Ramsar Bureau was consolidated into a single unit within IUCN headquarters in Gland. Also at Montreux, the MOU between IWRB and IUCN was revised to provide a continued formal role and financial support for IWRB in the provision of technical and scientific support services to the Bureau. IWRB has also retained responsibility for the Ramsar database which is the engine of the Ramsar Monitoring Procedure (since 1996 known as the Ramsar Management Guidelines). Bureau personnel, NGOs, and Ramsar partner organizations are adamant that the monitoring procedure is the key Ramsar implementation tool.

Finally, also in 1990, the parties agreed to double the Bureau staff - to five professional and three support staff. In November, 1996 the Bureau had 8 professional and 9 support staff personnel (Green Globe Yearbook, 1997). According to a former Secretary-General, if it had not been for an active secretariat organizing things the convention would not have moved forward the way it did (Pers. Com.Navid, 1995). However there is a price to pay when an activist secretariat or its leadership is seen to be too far in front of its members or too assertive.

Financial Mechanisms

There are two financial mechanisms in Ramsar. The budget (mandatory, annual contributions form members), and the line item Wetlands Conservation Fund (WCF). In 1996 the WCF was renamed the Ramsar Small Grants Fund (SGF). It comprises voluntary funds or contributions from both state and non- state actors.

Ramsar was originally set up without a convention budget. There was no provision for funding triennial CoPs, nor for funding its implementation tasks. This fundamental omission appears to support wry comments made by past and present Bureau personnel that had Ramsar been negotiated by lawyers and bureaucrats, rather than by scientists, no such mistakes would have been made.

IUCN, on behalf of the Bureau, administers the finances of the Convention. The Secretary-General of the Bureau is responsible for the administration of Convention funds through the Ramsar Standing Committee to the Meeting of the Contracting Parties (Terms of Reference for the Financial Administration of the Ramsar Convention 1994-96 in Davis, 1994). Financial resources and their management are recurring sources of frustration and tension for secretariats. The Ramsar Bureau is no exception.

At the Montreux Conference in 1990, the concept of a Wetland Fund (which had earlier been discarded), was revived as a mechanism for financial assistance to help developing countries implement the convention. The

Parties were called on to set up a fund in the budget for this purpose. Most parties were unwilling to support a substantial increase in the proposed budget for the triennium 1991-93 of just over 1 million Swiss francs per annum, but they agreed to provide a budget line of SFr10,000 per annum for a Wetland Conservation Fund (WCF) on the understanding that it would be augmented by substantial voluntary contributions. The WCF was only to provide assistance to developing countries, and was to be used to support activities which enabled the designation of Listed sites, improved their management, or promoted wise use of wetlands (Mathews, 1993).

In 1996 at the 6th Meeting of the Contracting Parties the name of the Fund was changed to the Ramsar Small Grants Fund for Wetland Conservation and Wise Use (SGF). It is available to all countries on the List of Aid Recipients established by the Development Assistance Committee (DAC) of the OECD. There is an upper limit of SFr 40,000 for each project, and the Bureau conducts a technical and feasibility analysis of all projects proposed. It then submits its recommendations for funding, for consideration at the annual meeting of the Subgroup on Finance, which in turn submits its recommendations to the Standing Committee (SGF: Operational Guidelines for the Triennium 1997-99, Ramsar,1996).

Strategic Plan 1997-2002

The adoption of the Strategic Plan by CoP6 in 1996 is a significant achievement in the institutional management of Ramsar. In part, the decision to develop a Strategic Plan, appears to have arisen from members' realization of the need for a more systematic approach to managing the convention fatigue felt by many delegates and NGO stakeholders in persuading their governments to continue their financial contributions to Ramsar as just one of the many multilateral treaties that member countries are now legally obliged to support. This situation is a far cry from 1971 when Ramsar was one of the only global environmental convention 'on the block'. The second impetus for the Strategic Plan appears to have come from CoP dissatisfaction with the way the inaugural Secretary-General, Dan Navid, was managing the Bureau's budget. For example he reputedly called on the CoP to double the Bureau's budget in 1993 at Koshiro without first running the

proposal past the Standing Committee, causing loss of face for all involved. It appeared to be a tactical error on his part, as it was obvious that the Bureau needed the additional funding.

To call for a doubling of the Bureau's budget sounds extravagant and risky. In real terms it was not extravagant and it amounted to asking for SFr 2 million. Unfortunately this proposal resulted in a call for Navid's resignation. He had been with Ramsar since its very early days in one capacity or another, first with IUCN and then with the Bureau.

This error of judgment also appears to have cemented the Parties' opposition to any further requests by the Bureau for budget additions. The Ramsar Bureau operates on a 'minimal budget'. The Bureau's budget could not be regarded as even remotely excessive by any reasonable assessment of its tasks and its organizational capacity relative to the members' expectations of its performance. However, in 1996 at CoP6, the Contracting Parties rejected the Bureau's request for an additional position to employ a Development Assistance Officer to assist the Bureau with fund raising for capacity building, and approved a 15% increase in budget rather than the Bureau's requested 49% increase. [INSERT REF]

The Koshiro incident finally catalyzed the development of the Strategic Plan and the installation of an Interim Secretary-General, Jim McCuaig (a Canadian delegate) with specialized management skills. His purpose was to restructure the Bureau and make Ramsar more efficient prior the appointment of the new Secretary-General in late 1995. The intent was to have the Strategic Plan in place by CoP6 in March, 1996, Ramsar's 25th anniversary.

The development of the Ramsar Strategic Plan signals the convention's coming of age. McCuaig commented that it was a time of major change ranging from the philosophical right down to the practical allocation of resources, and "the imposition of management rigor on the whole process which is part of a maturing convention" (Pers. Com. McCuaig, 1995). The Strategic Plan was intended to provide the yardstick against which future policy outcomes would be measured.

Incorporated in the Strategic Plan are: the triennial program which identifies goals and programs for each 3 year period between the conferences; a business plan; an annual Bureau work plan; and individual work plans. Succession planning and a distinct teamwork orientation with provision for 'backups' via multiskilling of personnel in the Bureau, are also being incorporated into convention management strategies to buffer Ramsar against the impending loss of a generation of delegates, NGO representatives and Bureau personnel who have been with Ramsar since its beginnings and who are now approaching retirement. These people are institutional assets and their loss will be keenly felt. They are the institutional memory of the treaty system and it is their formal and particularly their informal networks and relationships, both professional and personal that have developed and sustained Ramsar thus far.

APPENDIX 2: CITES

The Evolution of CITES

The issue of international trade in endangered species was first discussed internationally in 1961 at the Ashura Conference which IUCN designed to bring together conservation experts and officials from newly independent African nations and assess the future conservation requirements of the continent (Boardman, 1981). At this conference, several African countries expressed frustration over their inability to control poaching, and urged that an international convention be considered to address the problem of illegal wildlife trade (Talbot, Pers.. com. in Trexler, 1989). The Seventh General Assembly of IUCN in Nairobi in 1963 urged governments to restrict the import of animals in accordance with the export regulations of the countries of origin (Boardman, 1981; Wijnstekers,1992).

IUCN subsequently resolved to undertake the drafting of an international convention on regulation of export, transit and import of rare or threatened wildlife species or their skins and trophies (IUCN, 163:130, in Trexler, 1989). A

first draft was produced by IUCN in 1964, but it was not until 1967, that draft three was circulated to governments for their comments. It was hoped that the treaty would be ready for signatures at the 1972 Stockholm Conference on Human Environment and Development (UNCHED). However according to Trexler (1989), several individuals were concerned that the treaty was too weak to achieve species conservation aims and that the views reflected those of European importing countries. As a result, IUCN did not put forward a draft at UNCHED (Trexler (1989). The final drafting process was dominated by conservation interests, and wildlife trading interests were not represented during the process. Trexler (1989:25) comments they were generally perceived to have been caught napping.

Eventually, in 1973 in Washington, DC, 21 countries signed the CITES convention which mandated national and international implementation and oversight structures, and provided a clear biological standard for treaty success. The end result was well received by conservationists and they had high hopes for its success in neutralizing the negative impacts of the international wildlife trade (King,1974 in Trexler, 1989). Trexler (1989:26) also noted that CITES was given a helpful push by the media disclosure during the closing days of the Washington Conference, of a major wildlife smuggling ring operating from South America through New York to Europe. CITES entered into force in 1975, and by late 1997 CITES had 138 parties.

As summarized by Birnie and Boyle (1992:458), CITES is one of the most effective and, therefore, important international conventions whereby species or specimens of whose survival is threatened by international trade, or which may become so unless trade is regulated, are listed on Appendices which can be amended at biennial CoPs. Appendix I includes all species threatened with extinction which are or may be affected by trade (CITES, Article II, 1); Appendix II includes all species which although not necessarily now threatened with extinction may become so unless trade in specimens is subject to strict regulation(CITES Article II,2); and Appendix III includes all species which any party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other parties in the control of trade(CITES, Article II, 3). The import-export permit system which is based on the Appendices, is

the crux of this convention, although exemptions are permitted, and if a country does not accept a placing of a species on an Appendix it may enter a reservation.

The first CITES CoP was held in Berne in 1976, one year after it entered into force. It took Ramsar until 1980 to hold its first CoP. The major differences in the speed with which each convention got underway appear to relate to the loss of time by Ramsar in having to renegotiate and correct drafting and structural inadequacies, and the governmental backing CITES received. This seemed to reflect that CITES issues had a higher political and media profile and were more significant policy priorities than were wetlands issues.

According to Boardman (1981), the landmark importance of CITES in the history of international wildlife conservation rests primarily on three factors. First, it was a well constructed and carefully prepared instrument that drew on both the pre-conference drafting work initiated by IUCN and on the long history of data gathering by IUCN which had firmly established the point that international trade was a factor in the continued decline of at least some threatened species. Second, provision for continuing machinery to oversee its operations ensured that CITES did not merely gather dust in government archives. For example, the establishment of a permanent secretariat was tied to the IUCN network including the Species Survival Commission (SSC). The SSC's trade monitoring activities had been formalized with the establishment of the TRAFFIC Group which is based in the UK and which has since 1978, acted as a data bank on trade in international wildlife and wildlife products through a consultancy agreement with the CITES Secretariat. Third, CITES became a central focus of world conservation politics. The convention proved a good way of attracting media coverage of wildlife issues, smuggler makes good copy, and it sharpened the demands of environmental groups. Instead of seeking diffuse goals such as the protection of species, they could pursue more explicit objectives such as the transfer of species from Appendix II to Appendix I.

APPENDIX 3: CCAMLR

The Institutional Structure of CCAMLR

Central to the institutional apparatus of CCAMLR are: the CCAMLR Commission and the Scientific Committee and their associated Working Groups and ATS-affiliated organizations; and the Secretariat.

The Commission is the supreme decision making body of the Convention. It is responsible for the implementation of the Convention, including the implementation of a system of observation and inspection to ensure compliance with conservation measures and other decisions of the Commission (Article IX (g)). Any State which has acceded to CCAMLR is entitled to become a member of the Commission if it is actively conducting research or harvesting in the Convention area. The key word here is "actively".

Commission decisions on matters of substance are taken by consensus (Article XII, 1), and decisions on matters other than substance are taken by a simple majority (Article XII, 2). Consensus takes longer and tends to be more difficult to reach, but agreements decided by consensus are more likely to stick, although others argue that consensus is merely veto power by another name as it only takes one objection to derail an agreement (Pers.Com,.NGO1995).

Unlike the biennial and triennial CoP meetings of CITES and Ramsar respectively, the CCAMLR Commission holds annual meetings at its headquarters in Hobart, Australia, and extraordinary meetings as requested by members. At these meetings, the Commission receives reports of Members' activities over the past year; and their plans for the coming year to review compliance with Conservation measures in force and, on the basis of advice from the Scientific Committee, to review existing Conservation measures

and adopt new ones as necessary. Matters related to the annual administration and financing of Commission activities are also considered at these annual Meetings of the Commission.

Two permanent sub-committees assist the Commission, the Standing Committee of Administration and Finance (SCAF), and the Standing Committee on Observation and Inspection (SCOI). SCAF provides an opportunity for detailed discussion of administrative and financial matters currently before the Commission. SCOI advises the Commission on all matters relating to observation and inspection. For example, SCOI was responsible for the design of the Inspection System and has an ongoing function to review reports of inspections and advise the Commission on compliance with conservation measures and other decisions of the Commission (CCAMLR 1991:20).

The Scientific Committee is a consultative body to the Commission. In principle it meets as often as required, but in practice, it has met annually ever since the Commission commenced operation in 1982. It holds its annual meetings back-to-back with those of the Commission. The Scientific Committee provides a forum for consultation and cooperation concerning the collection, study and exchange of information with respect to the marine living resources to which CCAMLR applies.; and it encourages and promotes cooperation in the field of scientific research in order to extend knowledge of marine living resources of the Antarctic marine ecosystem (Article XV). Activities of the Committee include: the establishment of criteria and methods to be used in determining conservation measures; regular assessment of the status and trends of the populations of relevant Antarctic marine resources; data analysis concerning the direct and indirect effects of harvesting on these populations; and the formulation of proposals for the conduct international and national research programs (Article XV).

Several Scientific Committee working groups meet intersessionally to assist the Committee in its work. In 1995, they were: the Working Group on Ecosystem Monitoring and Management (WG-EMM); the Working Group on Fish Stock Assessment (WG-FSA); and the ad hoc Working Group on Incidental Mortality Arising from Longline Fishing (WG-IMALF).

CCAMLR requires that the Commission and the Scientific Committee cooperate with the ATCPs on matters falling within their competence. It also requires that they cooperate as appropriate, with FAO, other specialised UN agencies, SCAR, the Scientific Committee on Oceanic Research (SCOR), and the International Whaling Commission (IWC) (CCAMLR ,1991)

Factors Which Have Influenced The Evolution Of CCAMLR

The Cold War,

CCAMLR evolved in the shadow of ATS politics which in turn reflected Cold War tensions between the former USSR and the USA as the global superpowers of the latter half of the twentieth century. The ATS was signed in 1959, in the 'heat' of the Cold War. It served as a containment mechanism for managing the only truly terrestrial global commons on earth, in that Antarctica was not 'owned' by any nation. The pervading institutional climate of both the ATS and CCAMLR has been one of a general suspicion of outsiders. Both treaties have been accused, justifiably, of being developed country clubs which actively discourage the participation of 'outsiders' such as developing countries. In both cases this has been relatively easy to do, as in order to conduct scientific research or to fish in the remote and hostile environment of Antarctica and the Southern Ocean, advanced technology and substantial funding are the essential prerequisites which have successfully kept 'intruders' at bay.

In commenting on the negative effects of the Cold War on relations among CCAMLR member countries, Darry Powell, the inaugural executive head of CCAMLR, said that it affected the atmosphere right from the first meeting, and he was surprised the extent to which the former Soviet Union pushed to get certain concessions, including a Soviet member of staff on the Secretariat (who is still there). He also commented that everything was opposed by the Soviet Union in those days. Instead of taking things in small steps, for example, fish stock assessment, they always wanted a major research project, to study everything in Antarctic waters, after which they would look at fish stocks (Pers.Com.Powell, 1995).

This was a delaying tactic and they delayed practically everything. However, they certainly cooperated with the Secretariat at the same level at which they cooperated with the Commission, and we had no problem with the Soviet staff member (Pers. Com. Powell, 1995)

A Culture of Exclusion

A hallmark of CCAMLR and in part a legacy from its ATS and Cold War origins, is what I have called its " culture of exclusion". CCAMLR is not welcoming of 'outsiders', that is non-parties, and it actively seeks to exclude their involvement in CCAMLR issues and decision making.

Observers attend CCAMLR by invitation only. It is established practice that Acceding States are invited to attend as observers. Observers in national delegations can make a statement and it is noted in the Commission report and questions can be directed from Commission to observers.

However as a result of a review of arrangements for inviting observers to CCAMLR meetings (CCAMLR XXX 13.1-13.14), all other observers including intergovernmental and non-governmental representatives must be approved by a consensus of the Members of the Commission at the meeting before the one the observers wish to attend. For example, to attend the 1997 Meeting of the Commission, observers must submit an application to, and be approved by, the 1996 meeting. This effectively eliminates opportunities which exist in the CCAMLR Rules of Procedure for observers to be nominated and approved intersessionally, as is normal practice in most other environmental conventions including those of CITES and Ramsar.

It is also less welcoming of NGO partnerships and NGO participation in delegations. Individual observers cannot attend either Scientific Committee or Commission meetings. Australia, NZ and the USA are the only countries with NGO representatives on their delegations and NGO participation in national delegations is not a general thing.

However, the level of trust among those nations that are also members of CCAMLR appears to have improved over the years as informal as well as

formal networks and interactions have increased often via mechanisms such as Working Group meetings. In fact in recent years, there has even been discussion about expanding observer attendance at CCAMLR meetings, although it is proposed that attendance should still be limited to scientists, who currently comprise about 50% of the attendees at CCAMLR Commission meetings (Pers. Com. Sec.,1995).

In CCAMLR, decisions are made by consensus rather than by majority voting as is the case in the IWC. The CCAMLR stakeholders I interviewed argued that consensus might take longer, but the outcomes were inherently more stable and sustainable. A more cautious view was put in the NGO newsletter ECO, which voiced concern about CCAMLR's consensus decision making on the basis that one nation can block an action that all the other nations want to take, thus making adherence to conservation measures such as limited catches for krill, almost an impossibility. In a conciliatory gesture, the same newsletter did however, note that although consensus is a tough and laboriously tedious process, it does offer the guarantee that decisions will be accepted (ECO xix nos 1, and 3., 1982).

The Influence of Scientists in CCAMLR

Science is the centerpiece of CCAMLR. Without the active participation of international scientists and their ongoing research, CCAMLR would be hard-pressed to justify its existence. The development of CCAMLR science is illustrated in Darry Powell's comments. See below.

Changes in the Soviet Union following Perestroika helped CCAMLR as they made it no longer profitable for USSR-based vessels to fish and so eased the pressure on the fish stocks whose numbers were uncertain and the management of which was being debated in CCAMLR. These political changes occurred at time when CCAMLR was talking about precautionary catch limits, and there were a lot of NGOs making recommendations in support of precautionary catch limits. At that stage the problem was that the science just did not exist to be able to set those limits accurately, and the nature of precautionary limits is that we didn't have enough information on which to base scientific assessment, therefore you make a guess'. Precautionary limits by their nature are soft science" (Pers. Com. Powell, 1995).

This is similar to the comment by the CITES Secretariat official about the value of a 'grey area' between black letter law and soft law and/or science, as it gives a secretariat room to move in giving policy guidance to convention decision makers.

In about 1988/89, statements started being made by the Scientific Committee, and instead of just providing advice, the Scientific Committee actually asked the Commission for research direction. Previous to that, direction was implied or taken to be implied from the terms of reference to various groups, and gleaned out of reports before a meeting took place. For example, I [Executive Secretary] would go through the report of the Commission and identify the things I thought were the issues that needed to be addressed, and then do something up for the Chairman of whatever scientific working group was going to attend to this issue so he had guidance(Pers. Com. Powell1995) .

Inspection, Observation and Compliance

As far as inspection and observation are concerned, the number of vessels that can get down [to CCAMLR waters] to fish, is limited to a 3 or 4 month period each year and to specific locations. This averages out at 20 vessels per area. All legal ships have minimum of one CCAMLR scientific observer on board for formal monitoring purposes. The observer reports his/her observations to the Scientific Committee which in turn reports these observations of, for example, incidental mortality of seabirds, to the Commission for it to take action. Parity of observers on vessels is related to the level of concern about the species being harvested (Pers. Com,. Sec.1995).

International observers are insisted on in CCAMLR. In addition, there are often national observers on many vessels. International observers must report to CCAMLR, and national observers may report to CCAMLR. The reports are not public documents, but the data gathered in this way may come out in SCOI, and it may be reported to Working Groups. In these ways it impacts on recommendations made.

Inspection is differs from observation as follows. As locating and boarding ships is not very effective in huge ocean, observation is the preferred monitoring mechanism (Pers. Com.Sec.1995). Inspection Reports go to the

Secretariat. They are then lodged with Scientific Committee. The reports are never public documents at this stage. From here they go to the Standing Committee and ultimately to the Commission. By the time they reach the Commission they are public documents which may, or may not, name countries which violate the convention. National reports often end up in CCAMLR journal as scientific reports, such as the reports on krill, where they are accessible to the public. However, there is usually a time delay of several years before this data is analysed and written up for presentation in a peer reviewed journal. By then any damage to ecosystems is done and it may be too late for remedial action.