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International Environmental Treaty Secretariats: Stage-Hands or Actors?

Rosemary Sandford

Introduction

Since the United Nations Conference on the Human Environment, held in Stockholm in 1972, international environmental treaties have been created at an unprecedented rate. By 1992 sixty multilateral environmental treaties had been signed.[1] International environmental treaties may be global, regional, or trans-boundary, and each is supported by a secretariat, an international organization created by the treaty parties, to assist the parties in the management and implementation of the treaty.

At the United Nations Conference on Environment and Development (UNCED) in 1992 three new global environmental agreements were signed, each with an interim secretariat. In all three cases the treaty parties have yet to finalize the roles and functions of their permanent secretariat. There is thus an opportunity to influence the 'shape' of international environmental treaty secretariats of the future.

While several major studies of the effectiveness of international environmental treaties are under way,[2] none focuses specifically on secretariats. The potential of secretariats to influence treaty processes and outcomes, both positively and negatively, has been overlooked.

Weiss (1975)[3] suggests that the secretariats of international institutions are an important analytical focus for the following reasons. They have been significant forces in international affairs, they are stable elements in a changing international system, and they have been formally assigned tasks to improve global (in this case environmental) interests. I concur with Weiss and, based on my own previous work,[4] consider that secretariats have the potential to influence international environmental treaty negotiation and implementation. In the current study I further explore the proposition that activist international environmental treaty secretariats are significant actors in international environmental treaty making and implementation.

To address the question of how international environmental treaty secretariats influence treaty processes, we first need to know what they do. What tasks do they perform? What constraints do they face? And what strategies do they use to deal with these constraints? Finally, to what extent might the lessons learned by current secretariats be transferable to future secretariats, such as those created at UNCED? The aim of this paper is to consider these questions in the context of this study of selected international environmental secretariats. In order to answer the questions, I interviewed executive heads and staff of five global environmental secretariats. The secretariats selected were: the 1971 Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar); the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage); the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the 1985 Vienna Convention for the Protection of the Ozone Layer, including the 1987 Montreal Protocol; and the 1989 Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel).

Why Are Secretariats Important?

Secretariats are not new. The UN Secretariat has provided administrative support for the UN system since its creation in 1945. International environmental treaties and their secretariats take their cues from the secretariats of the UN system, which provides a global framework for the negotiation and implementation of multilateral treaties among nation states and related interest groups.

Literature on the UN Secretariat and secretary-general describes two categories of secretariats, activist and passive.[5] This categorization refers essentially to the degree of initiative exercised by executive heads and secretariat staff in carrying out the roles and functions of the secretariat. Proponents of the more activist approach believe that secretariats are in a position significantly to affect treaty outcomes.[6] Proponents of both categories acknowledge the influence of secretariats in treaty decision-making.[7]

Secretariats are the organizational glue that holds the actors and parts of a treaty system together. The interdependence and inter-sectoral nature of global environmental systems requires the involvement of a range of actors. Stakeholders in international environmental agreements, unlike those in arms-control and trade treaties, are rarely limited to nation states. Environmental stakeholders also frequently include NGOs, local communities, and indigenous peoples. Access to data, resources, and skills is required to increase the understanding of all stakeholders and encourage the participation of non-parties. A secretariat can provide both a

forum and direct and indirect assistance to stakeholders to enhance their participation in, and thus the ultimate effectiveness of, the treaty.

Scientific uncertainty is another feature which adds to the complexity of environmental agreements. Ensuring that the parties are kept up-to-date as new information emerges, is a secretariat responsibility. Data gathering and analysis are thus ways in which secretariats influence norm creation and outcomes.

All the global environmental secretariats studied are activist in varying degrees. They will continue to influence the treaty negotiation and implementation processes and decisions as long as they maintain the confidence of their stakeholders, especially governments. However, to ensure their effectiveness in handling the complexities and uncertainties associated with international environmental treaties, secretariats must have a clear mandate, particularly in the tasks they carry out.

Developments Since Stockholm

The 1972 Stockholm Conference is generally regarded as the springboard of modern international environmental treaty-making. The treaties examined in this study divide into three categories. First, those signed in the 1970s which were assisted by public interest leading up to the 1972 United Nations Conference on the Human Environment in Stockholm (Ramsar, World Heritage, and CITES). Secondly, those of the 1980s which were assisted by the creation of the United Nations Environment Programme (UNEP) as a product of the Stockholm Conference (Vienna Convention / Montreal Protocol, and Basel). Finally, those that have emerged from the 1992 United Nations Conference on Environment and Development (UNCED). The latest batch of treaties includes the Framework Convention on Climate Change, the Convention on Biological Diversity, and the Convention to Combat Desertification, all of which were signed in 1992. It is clear that in the years since the Stockholm Conference governments, NGOs, and secretariats have all gained experience in the negotiation and implementation of international environmental treaties—directly and indirectly, explicitly and implicitly.

The historical and institutional context in which each secretariat has developed is important as it helps to shape the structure, tasks, and challenges faced by secretariats. The evolution of global treaty-making and the changing emphases of secretariat operations over the past twenty years are particularly obvious in the following areas: the use of the framework convention as a treaty prototype; the incorporation of financial mechanisms in treaties; and the increasing emphasis on the value of regional approaches to implementation. The regional emphasis is, in part, a response to the growing influence of developing countries as parties to international environmental treaties.

The treaties selected in this study and described below illustrate some of these changing dimensions in treaty-making and implementation. The fundamental constraints faced by secretariats have not changed, only the scale; for example, the increasing number of parties and the higher level of funding required to finance negotiation and implementation are the most obvious changes. Significant funding and staffing limitations continue to make strategic planning by secretariats very difficult.

The use of a framework convention as the prototype for international agreements was established by the Vienna Convention. This model provides for an incremental approach to treaty-making and a capacity to adapt readily to changing international political and scientific circumstances. The framework convention model has now been embraced by subsequent treaties, including Basel, climate change, biological diversity, and desertification. The value of an incremental approach to treaty-making is also endorsed by the Ramsar secretariat, which has seen the benefits of an incremental approach over time.[8]

There was no provision for a financial mechanism in Ramsar. This means that a considerable proportion of secretariat time must be spent on fund-raising among members and NGOs. The World Heritage Convention established the World Heritage Fund to finance implementation of site-management projects, and CITES followed suit with its CITES Trust Fund. By the time the Vienna Convention and Montreal Protocol were created, treaty-specific financial mechanisms were considered essential and a trust fund (now known as the Interim Multilateral Fund) was created to assist parties to meet their treaty obligations. This set a precedent for Basel. Neither the Ozone nor the Basel secretariats, whose treaties had financial mechanisms built in from the beginning, consider their financial constraints to be as severe as those of the three earlier secretariats.

All the secretariats expressed a degree of ambivalence about the potential advantages of accessing the larger resources of the Global Environmental Facility (GEF) as the financial mechanism for the most recent global environmental agreements. While most secretariats interviewed expressed a degree of envy about the possible benefits of access to the GEF, they also had reservations about what they saw as the present trend to consolidate all global environmental financial mechanisms in the GEF. Secretariats are concerned that this might result in a loss of control of funding-allocation decisions by the treaty parties.

Increasing recognition of regionalization is evident in several treaties and secretariats. When Ramsar was first created its focus was essentially on the protection of Euro-

pean wetlands. Since then the focus has swung to a greater emphasis on assisting developing countries to become members of Ramsar and to meet their treaty obligations. A similar change in emphasis is acknowledged by other secretariats, such as World Heritage and CITES. Basel has made explicit provision for regional training programmes in its text. In fact all the secretariats consider the provision of secretariat assistance to developing countries to be a priority.

What Do Secretariats Look Like?

Institutional Status

International environmental treaties have long time horizons. In contrast, national governments focus on the short term. Provision for continuity is essential if the objectives of an international agreement are to be achieved. Secretariats are created by the parties for precisely this reason. All treaties contain articles in the treaty text which provide for the establishment and operation of a permanent secretariat. Recent treaties, including the Montreal Protocol (1987) and Basel (1989), are more detailed in this regard than earlier treaties such as Ramsar (1971) and World Heritage (1972), although CITES (1972) is notable for its attention to detail in the designation of secretariat tasks.

The role and institutional location of the secretariat in the treaty system is decided by the parties at the commencement of the negotiation process. At the negotiation stage a secretariat is deemed to be interim, and its purpose is to assist the parties with the management of the negotiations prior to the first Conference of the Parties (CoP), which is held soon after the treaty enters into force. After the first CoP the secretariat usually becomes a permanent body. This is not always the case for example, the World Heritage Convention came into force in 1975 yet the secretariat—the World Heritage Centre—did not become a single permanent entity until 1992, and Ramsar came into force in 1975 but its secretariat—the Ramsar Bureau—did not become permanent until 1988.

Interim secretariat status has implications for the nature of the tasks carried out by secretariats, the degree of initiative exercised by them, and the nature and size of the budgets required to carry out their functions. Interim secretariats are likely to be more passive than are permanent secretariats, whose institutional status is assured.

Once the secretariat becomes permanent, the task focus of the secretariat changes to treaty implementation. This includes assisting the Contracting Parties to meet their obligations under the agreement and assisting the ongoing process of liaison with non-parties to persuade them of the benefits of signing the treaty.[9]

To manage and implement a treaty, the efforts of national governments as signatories to the agreement must be encouraged and co-ordinated. Those countries that lack the capability to implement the requirements of the treaty must be assisted to comply. NGOs and other stakeholders in the negotiation and resolution of the issues must be consulted and kept informed of developments, and a constellation of administrative tasks must be performed to service the parties' needs. In this context, one of the difficulties experienced by secretariats is keeping pace with the ever-changing demands of the parties, as the parties simultaneously endeavour to fulfil their international treaty obligations while responding to and satisfying domestic political commitments.

Secretariat Structure

Many elements of UN practice are evident in the structures, roles, and functions of international environmental treaty secretariats. For example, secretariat mandates, responsibilities, and authority are embodied in the treaty text; secretariats are hierarchical in structure; recruitment, personnel practices, financial procedures and processes largely reflect those of the UN Secretariat; and responsibility for organizational management and leadership is vested in an executive head or secretary-general.

Secretariats may be large international bureaucracies as in the case of the UN Secretariat[10] and the General Agreement on Tariffs and Trade (GATT) Secretariat, or they may be surprisingly small, as is the case with the global environmental treaties.[11]

Secretariats are the administrative hub of the treaty system and they perform a range of tasks. There are essentially two categories of secretariat tasks. Core tasks are performed by all secretariats to a greater or lesser degree. They are usually outlined in the original treaty text and in protocols and are funded from the contributions of member countries.

Additional tasks are treaty-specific and may vary considerably from treaty to treaty. This will be demonstrated in the following sections. As Kaufman (1988)[12] points out, not only do secretariats differ substantially, but they change in character over time, even under the same executive head.

Underlying all secretariat activities is the notion of service. Secretariats exist to service the treaty parties. They have no direct decision-making powers. In theory, this could severely constrain the secretariat. In practice, there are often considerable opportunities for a creative and activist secretariat to influence the treaty-making processes and outcomes, depending on the degree of trust and co-operation between the parties and the secretariat, the complexity of the substantive issues with which they are faced, and the degree to which initiative is exercised by the executive head and staff of the secretariat.

Core budgets for secretariats rely almost entirely on the contributions of members which are determined in accordance with the UN scale of assessments. In some cases there may be

provision for an advance from a parent organization such as UNEP (CITES, Montreal Protocol, and Basel), UNESCO (World Heritage), and IUCN (Ramsar) to cover budget shortfalls caused by the inability or failure of member countries to pay their contributions. Once these contributions have been received, the advances are repaid. Late and non-payment of contributions can seriously handicap the ability of a secretariat to perform its core tasks, let alone undertake new or additional ones. Voluntary payments from member countries often supplement secretariat budgets for specific purposes, such as to assist with the negotiation process (Intergovernmental Negotiating Committee of the Framework Convention on Climate Change) or for specific implementation projects (Ramsar, World Heritage).

The typical staffing profile of an international environmental secretariat consists of an executive head supported by a small international bureaucracy of professional and general support staff. Professional staff are usually recruited from among the parties to the agreement, the UN or affiliated international organizations including UNEP, and the World Conservation Union (IUCN). General staff are recruited from the country in which the secretariat is located. Unlike the UN Secretariat, which in 1988 boasted some 24,000 secretariat staff,[13] the maximum number of staff in the selection of global environmental secretariats that I studied was a total of twenty-one professional and general staff (core and temporary) in the CITES Secretariat.[14]

Although hierarchically structured, environmental secretariats operate as professionally and personally committed, closely knit teams. This may well be a function of the small size of the organization and the need for everyone to pull his or her weight to accomplish the job. It may also be that general staff have a different perception of the way in which hierarchy does, or does not, operate in these secretariats. General staff were not interviewed in this study.

What Do Secretariats Do?

Secretariat core tasks are outlined in the treaty text, and in subsequent protocols in the case of framework conventions such as the Vienna Convention and the Basel Convention. Additional tasks may be assigned to the secretariat by the parties and their subsidiary bodies as the treaty evolves, and the secretariat may also initiate new tasks in consultation with the treaty members. To incorporate additional tasks in the treaty text *per se* would require re-negotiation of the treaty itself. On the other hand, a framework convention and protocols can incorporate changing information, including new scientific knowledge, without changing the treaty text itself. An ability to incorporate such changes is particularly important for environmental treaties, where even the substantive issues can change over time as new scientific information comes to the fore. Climate change is an example of an international environmental treaty at the frontier of science.

In this study respondents were asked to identify the *core* and the additional tasks that *they perceived* to be the most important. In general there was congruence between those tasks identified as core tasks in the treaty text and those identified as important by the secretariats. However, the secretariats often appeared to attach greater importance to certain *additional* tasks than was accorded these tasks by the parties. It is possible that environmental and economic NGOs would also have differing priorities in the ranking of secretariat tasks.

In many cases secretariats considered that additional tasks were not only critical to successful implementation, but also offered greater scope for initiative and creativity.[15] While core tasks are funded from members' contributions and are mandatory, external funding often has to be sought to undertake additional tasks.[16] By all accounts this is a time-consuming, unreliable, and inappropriate use of professional secretariat skills. It does not encourage efficient use of resources and may be criticized by both the parties and other interest groups for being biased in terms of the sources of its additional funds. For example, environmental NGOs have criticized CITES for seeking external project funding from individual governments.[17]

Tables 1 and 2 demonstrate the differing emphases in responses among the secretariats participating in the study. Table 1 summarizes the core tasks identified in the treaty text (T) and those seen as important in secretariat staff responses (S). Table 2 summarizes the additional tasks identified by the secretariat staff interviewed.

There may be several explanations for the secretariats' emphasis on additional tasks. First, unlike individual member countries which tend to pursue national or regional interests, the theoretically non-aligned and institutionally central position of secretariats might enable them to assess more accurately and objectively the best ways of meeting the treaty objectives. Secondly, it is likely that secretariat perceptions of important tasks might reflect current treaty priorities which may be different from those in the original text, that is, the priorities may have changed over time. As these secretariats are extremely small and anonymity is difficult to maintain, it is unlikely that the staff would publicly voice views that dissented significantly from those of the treaty members. It is also unlikely that the executive head would publicly express opinions that were at odds with his or her governing body. Thirdly, without exception secretariat staff indicated strong personal as well as professional commitments to the environmental protection objectives of the treaties, and they viewed additional tasks such as monitoring, training, liaison,

Table 1. Core tasks of selected international environmental secretariats

Core tasks			Treaties				
			Ramsar	World Heritage	CITES	Ozone	Basel
1.	Arrange and service meetings of	T:	X		X	X	X
	the CoP and subsidiary bodies	S:	X	X	X	X	X
2.	Perform functions assigned	T:			X	X	
	by protocols	S:					
3.	Prepare and transmit reports based on	T:			X	X	X
	information received from the CoP and subsidiary bodies	S:	X		X	X	X
4.	Prepare reports on secretariat	T:			X	X	X
	implementation activities for the CoP	S:	X		X	X	X
5.	Ensure co-ordination with relevant	T:	X		X	X	X
	international bodies and NGOs	S:	X	X	X	X	X
6.	Liaise/communicate with relevant authorities,	T:			X	X	X
	non-parties, and international organizations	S:	X	X	X	X	X
7.	Compile and analyse data/information,	T:	X		X	X	X
	e.g. scientific, economic, and social	S:	X	X	X	X	X
8.	Monitor adherence to treaty obligations,	T:			X		
	e.g. standards, regulations	S:	X		X	X	
9.	Give guidance and advice to the parties	T:					X
		S:					X
10.	Consultation/assistance, e.g. expert	T:	X		X	X	X
	technical advice	S:	X		X	X	X
11.	Other functions assigned by the parties	T:				X	
		S:	X		X	X	X

Notes: T = Key tasks identified in treaty text; S = Key tasks identified by secretariat staff.

Table 2. Additional tasks of selected international environmental secretariats.

Additional tasks		Treaties				
		Ramsar	World Heritage	CITES	Ozone	Basel
1.	Fundraising	X	X	X		
2.	Training		X	X	X	X
3.	Relations with parent organizations		X	X	X	
4.	Monitoring of treaty obligations	X	X	X*		X
5.	Promotion of treaty: to non-parties; publications/newsletters; public relations	X	X	X	X	X
6.	Liaison with: non-parties and parties; NGOs and IGOs	X	X	X	X	X
7.	Technical and other assistance to developing countries		X	X	X	X

Note: * CITES is the only treaty to include monitoring as a specific secretariat task.

and assistance to developing countries as being instrumental in achieving these.

What Are the Challenges?

The literature identifies four general categories of constraints faced by international secretariats in carrying out their duties.[18] They are political problems, financial problems, the availability of resources, and social and cultural considerations. These categories provided the basis for the interview questions on the constraints facing each secretariat. It should be noted that while outsiders might view these problem categories as constraints, secretariat staff saw them differently: 'we prefer to see them as a challenge not a constraint',[19] and 'they are part of our day to day work'.[20]

Political

All secretariats had experienced some difficulties in their relations with both member and non-member countries. The Ozone Secretariat commented that while there had been some tension among members in the earlier days of the negotiations, the creation of the Interim Multilateral Fund appeared to have ameliorated this as developing countries now felt less disadvantaged in terms of their access to resources for implementation. Secretariat responses were predictably guarded on the issue of sovereignty. In spite of this caution, it was clear that sovereignty could be a major obstacle to the effective implementation of secretariat tasks. As stated in an interview, 'the power of sovereignty is unlimited, and governments can do whatever they want to and secretariats have no powers to force governments to comply'.[21] This was a view expressed in various ways by most of those interviewed.

Dealing with changes in national governments at the domestic level was stated to be more of a problem for 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 too. For example, environmental protection and management may be superseded by health, transportation, or mining as the national priority, and consequently the supporting bureaucratic infrastructure and budget allocations may also change. A further word of advice from World Heritage staff was to beware of the sectoral compartmentalization that exists in national governments. It creates major difficulties for a secretariat when representatives from different national authorities in a country present conflicting views, which each claims to represent the country's official position on an issue.

Every time a government changes, incoming ministers and bureaucrats must be briefed on the country's international environmental treaty obligations. Secretariat staff and executive heads play a key role here ensuring that a country is aware of the need to fulfil its obligations, and the ways that the secretariat and treaty machinery might assist. Mechanisms and penalties for handling non-compliance are also spelled out. All secretariats commented on the value of missions to brief national political leaders, governments, and bureaucratic managers. Missions are particularly effective in overcoming cultural differences and misunderstandings which may arise from trying to administer a treaty from a centralized location. In the opinions of both executive heads and staff, personal contact with key national personnel is essential to supplement written, telephone, fax, and other forms of communication. However, they also noted that secretariat travel was chronically under-financed, and that travel expenditure was the budget item most heavily criticized by the parties, and the first item to be restricted when secretariat activities were reviewed by the parties.

Budget restrictions have traditionally been used by governments to contain the growth of secretariats, and restrictions on secretariat travel by the parties lessen potential threats to sovereignty posed by external monitoring of country compliance.

All interviewees referred to the need to adhere to the intent of the treaty, and the tension that this sometimes created with, for example, some environmental NGOs who considered that a treaty did not go far enough to ensure environmental protection.[22] This meant that environmental NGOs were sometimes critical of secretariats as the organizational manifestations of treaties which they perceived to be inadequate. The Basel Secretariat commented on the problems of convincing environmental NGOs of its sincerity.[23] It further commented that the environmental NGOs were sometimes harder to convince than economic or trade NGOs, an opinion shared by CITES, World Heritage, and Ozone Secretariat staff.

Financial

Financial difficulties are perhaps the most significant constraint faced by secretariats. They take several forms. First, non-payment and/or late payment of contributions mean that a secretariat is not only without the financial resources to perform its functions, but that it spends a considerable amount of time and staff resources chasing up governments. Secondly, a chronic inadequacy of funds necessitates that secretariats once again spend an inordinate amount of time fund-raising among members and NGOs. Acceptance of tied or conditional funding is seen to prejudice secretariat neutrality. CITES is an example of this catch-22 situation.[24]

With the exception of the Ozone Secretariat, all secretariats expressed frustration with chronic under-funding of their

operations. Lack of assured funding restricts the secretariat's ability to carry out both core and additional tasks and to plan work programmes and resource allocation. Secretariat assistance to developing countries is, for example, both a core and an additional task. As a core task it is fundamental to enable countries with fewer resources and less expertise in international environmental matters to understand and ratify a treaty. As an additional task, the training of management authorities in developing countries is critical to successful treaty implementation and compliance.

Inadequate funds also restrict a secretariat's ability to attract and retain quality staff. Retention of quality staff is particularly critical for the secretariats under study, which depend on multi-skilling and teamwork to service as many as 118 parties in the case of CITES.

Administrative

There is a long-standing suspicion of, and resistance to the growth of international secretariats. Many governments feel that permanent secretariats seek unjustified autonomy, try to expand too quickly, and are inefficient.[25] They see secretariats as being driven largely by self-interest. The UN Secretariat is often criticized for this. An underlying concern is that secretariat objectives may be at odds with the objectives of individual treaty parties, even though secretariat objectives may be aligned with those of the treaty itself.

However, such suspicion does not seem to be warranted in the case of the international environmental secretariats studied. A total of twenty-one staff actively to assist 118 parties and their domestic infrastructures (CITES) is hardly excessive, nor is a staff of twelve to service 116 parties (Ozone).

Yet another challenge is the management of relations between secretariats and their parent organization such as UNEP (CITES, Ozone, Basel) or UNESCO (World Heritage). Until 1992 responsibility for secretariat services to the World Heritage Convention was divided between the Cultural and Ecological Divisions of UNESCO. The 1991 World Heritage Convention's Evaluation Report recognized the inefficiencies of this and the difficulties created for the secretariat by the sometimes-competing demands of the World Heritage Convention and those of the two UNESCO Divisions. The result was the establishment of an independent secretariat, the World Heritage Centre, in 1992.

UNEP has spawned several secretariats, CITES being the first. Until now CITES has operated from a location independent of the other UNEP secretariats in Geneva. During 1993 it is to be relocated to UNEP's 'Geneva compound'. The public reason given for this is increased efficiencies through rationalization of resources, and the streamlining of communications among UNEP's secretariats. The climate change, biological diversity, and desertification secretariats are also located in Geneva, and it is hoped that the consolidation of all international environmental secretariats in Geneva will assist interactions among them.

For the CITES Secretariat there is concern about the potential loss of autonomy and the implications of absorption into the larger UNEP bureaucracy, including increased red tape in an already congested system. In addition, the secretariat is concerned about potential negative impacts on its credibility with parties and NGOs if its activities are restricted by the proposed move. This credibility has been built up over the past twenty years, largely as a result of the secretariat's activist stance and regular missions to countries in need of assistance, especially developing countries.

Centralization of secretariat activities in Europe has a down side. Like the Ramsar Bureau, the World Heritage Centre is responsible for the assessment of sites and the implementation of projects in a wide range of countries, many of which are developing countries. Many of the monitoring and training responsibilities of the CITES secretariat also take place in developing countries. Questions about the appropriateness of managing these tasks from a centralized base in the North are now being raised by secretariat staff as well as by NGOs and developing countries. The Ozone Secretariat remains the only secretariat with a Southern location. This is not without its drawbacks. Two such problems confronting the Ozone Secretariat are its distance from the United Nations' centres of decision-making in Geneva and New York, and problems of maintaining electronic and even telephone communication from a less well-resourced country than Switzerland or the USA. The advantages and disadvantages of different forms of secretariat decentralization are likely to become an issue over the next few years. Options will be discussed in a later section.

Cultural

There are two aspects of cultural constraints experienced by secretariats. The first is managing national and regional cultural differences. The second is achieving and managing diversity within the secretariat. Neither was considered to be a major problem by any of the secretariats.

It does, however, seem that a regional approach enables a secretariat to have a better feel for cultural differences. The Ramsar Bureau has adopted an explicitly regional approach in the performance of its activities. Bureau staff commented that this helps them to understand cultural differences, and to know when, and how hard, to push a country to meet its obligations.

In Ramsar's case it appears that greater attention is now being paid to the need for formal recognition of diversity in the treaty itself and in secretariat outputs such as publications and reports. This was not the case when the original Ramsar text was produced only in English. This proved a significant obstacle to participation by a number of French- and Spanish-

speaking countries, including developing countries with wetlands of significance. This problem has now been addressed. In 1993 English, French, and Spanish are the working languages of the Convention, and all secretariat outputs such as publications are in these languages.

CITES is another secretariat using a regional approach to implementation as a strategy to manage cultural differences. The World Heritage Centre considers that it is important to be pro-active in assisting countries with different languages and cultures to prepare proposals for World Heritage listings, and to negotiate the bureaucratic red tape which inevitably accompanies international agreements.

Secretariats value internal diversity. The staffing profile of most secretariats demonstrates a mix of cultures, languages, and geographical representation. Diversity enables small organizations such as these to service the interests of their constituents more effectively. In addition, it aids secretariat credibility with member countries when staff represent a cross-section of national and regional interests.[26]

Confronting the Challenges

Political

Integrity, transparency, and communication are fundamental tools in a secretariat's repertoire of survival skills. Communication in its many forms is the primary strategy used by secretariats to overcome the political constraints mentioned above. This involves ongoing consultation and co-operation with parties, non-parties, and NGOs. It is a matter of tireless communication—'talking, talking and more talking'[27] and 'plenty of common sense and good psychology'.[28] Secretariats are constantly reminding countries of their treaty obligations, especially when there is a change of national government, or a country fails to fulfil its obligations. As the CITES secretariat commented, 'the aim of the convention is to work with all governments, despite the frustrations'.[29] This may involve communication between secretariat staff and designated management authorities and officials in the relevant country; it may also involve seeking the assistance of NGOs in a particular country. The CITES Secretariat uses World Wildlife Fund (WWF)/TRAFFIC Network to assist in monitoring illegal trade in fauna and flora.

Secretariat communications are carried out at two levels. Staff undertake most of the day-to-day communications related to implementation duties. The executive head is concerned with communication and diplomacy at the higher levels of government. Through his or her communications in diplomatic circles, the executive head is able to bring diplomatic pressure to bear on obstacles to effective treaty implementation. This is the essential difference between staff and executive-head duties. As various secretariats pointed out, the executive head, 'talks with higher levels of government', and 'is the main spokesman for the secretariat'.[30]

Consciousness-raising with other bodies, including governments, NGOs, and the media is a strategy regularly and quite successfully used by all secretariats. In some cases this strategy has not worked. CITES Secretariat staff cite their inability to protect the rhino, and most recently the tiger, from probable extinction. This is an example of the failure of consciousness-raising strategies to turn around long-standing and culturally based perceptions from exploitation to protection of these species.[31]

Secretariat co-operation with NGOs, both environmental and economic, can be a powerful strategy to influence both governments and the general public of a particular country. All secretariats interviewed made regular use of NGO resources and expertise. NGO contacts also provide secretariats with additional points of entry to national and international networks, and NGOs are potential allies for secretariats in mobilizing international opinion to persuade countries to sign a convention or to meet its treaty obligations.

For secretariats, working with NGOs is not always straightforward. As governments have set values and political agendas, so have NGOs. Once again the primary secretariat strategy is ongoing communication at all levels.

Support from the media is also a key to political success. The media is often very helpful in developing government and public awareness, and thus increasing the momentum for signatures to a convention.[32] Public relations is a very time-consuming but very important and influential way of building international support for a treaty.

Financial

The financial difficulties confronting secretariats are perhaps the most difficult to overcome as secretariats have no control over financial decision-making and the allocation of national contributions. Nor do they have any authority or power to exert direct pressure on countries to make them pay. They can only endeavour to persuade countries to pay up. The usual strategy is for the secretariat to propose a work plan and budget, usually triennial or biennial, to the Conference of the Parties for its endorsement. It is one thing for the work plan and budget to be agreed to by the CoP, it is another for the secretariat actually to persuade the parties to pay, and to pay on time. Even the secretariats of treaties with substantial financial resources, such as Ozone, experience difficulties in obtaining payment from members.

The key to secretariat financial survival is obtaining adequate and timely payment from the larger contributors such as the USA, to enable the secretariat to continue its services while it waits for, and cajoles, smaller contributors to follow suit.

As discussed in the previous section, secretariats regularly

have to request interim financial assistance from their parent organization such as UNEP or UNESCO to tide them over the hiatus created by late payments. They also have to seek external funds from individual countries and NGOs for specific activities. Both these are stop-gap measures. They are no substitute for a regular and reliable budget.

Administrative

Concerns about unfettered secretariat expansion cannot be substantiated in the case of international environmental secretariats. Staffing cannot be expanded without the approval of the CoP which controls the budget and the decision-making processes. Recruiting and retaining quality staff is not easy where a secretariat can only offer unrealistically short-term contracts. For example, the Ozone Secretariat staff are on one-year contracts, which can be unsettling for the organization and limits the range of activities it can undertake. As it is, some secretariat activities have to be subcontracted to consultants and member governments.[33]

Subcontracting of what many perceive to be secretariat tasks can raise a number of questions. Where tasks are subcontracted to governments, doubts may be raised about the objectivity of data analysis and the risk of intrusion of government self-interest.

The use of external consultants is, however, a common resource-augmentation measure among secretariats. Consultants may be used for a wide variety of tasks, such as to assess sites and projects for financial and technical assistance, to run training courses, and to gather scientific data. The management of consultancies is usually the responsibility of the secretariat. Tasks may also be contracted out to NGOs. Ramsar contracts out project work to NGOs named in the treaty, specifically IUCN and International Waterfowl and Wetlands Research Bureau (IWRB).

In acknowledging its staffing and resource constraints, a strategy used by the Ozone Secretariat is to build on the goodwill it has established with the parties over the last ten years by encouraging member countries to do much of the work. The scientific and legal panels of the Vienna Convention and the Montreal Protocol regularly compile voluminous reports which the member countries produce themselves. These reports are then distributed by the secretariat.[34]

Staff secondments sponsored by governments and international NGOs such as IUCN are one compensatory measure used by secretariats to try to alleviate the shortcomings in staff recruitment. However, as several secretariats noted, this is no substitute for continuity. In an international organization where the external environment is constantly changing, a degree of staff continuity is essential for the development of an organizational memory.

Perhaps one of the major, but less obvious, reasons why secretariats are as effective as they are, in spite of their financial and administrative difficulties, is that the professional staff appear strongly committed to achieving the objectives of their respective treaties. In all the secretariats studied, professional and personal commitment to the values espoused by the treaty objectives were significant factors in job satisfaction and staff retention, uncertain employment conditions notwithstanding. Also, it appears that the international contacts and previous experience of both executive heads and professional staff are significant factors in assisting secretariats to meet the challenges with which they are faced.

Cultural

As mentioned earlier, cultural factors were cited as less of a problem than other categories of constraints. The adoption of regional approaches to implementation, and providing and/or co-ordinating technical and financial assistance to developing countries, are frequently used strategies for managing cultural differences outside the secretariat. The Basel Secretariat has been authorized by the parties to organize national and regional treaty-implementation workshops. These are well attended by developing countries. It also holds training workshops in the field and has proposed that regional centres be established for the dissemination of information, training, and technology transfer.[35] These activities will of course require additional funds.

Within secretariats, efforts are made to ensure a culturally diverse organization that is as representative as possible of treaty members. All secretariats actively recruit staff with a range of languages and nationalities. Secondments from governments and NGOs add to diversity. Efforts are made to ensure a balance of North–South interests within the staffing profile. The Ozone secretariat commented that the inclusion of staff from developing countries helps minimize the potential for misunderstandings that can arise in the interpretation of secretariat actions when there is no such representation in the organization. Although Ramsar was originally a Europe-focused treaty and the secretariat was staffed accordingly, the current secretariat has a range of staff from developed and developing countries.

It is difficult to separate out the strategies used by secretariats to deal with the challenges they encounter, as so much of their work involves communication in its various, and often intangible, forms. Secretariat effectiveness appears to depend not just on carrying out the tasks formally and informally assigned, but on the development and maintenance of contact networks. The commitment of secretariat staff to the achievement of treaty objectives is also significant. While there are frustrations in dealing with political constraints such as changing governments, perhaps the most serious obstacle to secretariat effectiveness is their financial, and thus administrative, vulnerability. Although there appear to be various stop-gap strategies for managing the administrative

difficulties, financially secretariats remain at the mercy of the parties.

Transferability of Lessons Learned

So, what do current international environmental treaty secretariats think they have learned that might be useful knowledge for future secretariats? Several interviewees doubted if their experiences would be transferable to other treaties as the substantive issues of treaties and the international politics differed. From the time of Stockholm, it is clear that new treaties and secretariats *do* take notice of previous experience. The use of the framework convention as a treaty prototype, the adoption of regional approaches to treaty implementation, and the incorporation of financial mechanisms in treaties are all examples of experiences which, in one form or another, have been adapted to compensate for treaty differences and individuality. The importance of financial and administrative support from a secretariat's parent organization was considered important by Ramsar. Close collaboration with IUCN in particular allows the Ramsar Bureau access to a world-wide network of people with technical expertise.[36] Consciousness-raising programmes and projects with other bodies such as IUCN and IWRB and with member countries were also regarded as transferable.

Linkages with other like-minded secretariats and treaties were agreed by CITES, World Heritage, and Ramsar to be very useful for information exchange, collaboration, and the implementation of joint projects. In the evaluation of natural sites, the World Heritage Centre works with CITES through IUCN. The CITES Secretariat sees value in improving its interaction with the Basel Secretariat as both treaties are concerned with monitoring illegal trade.

The World Heritage Centre acknowledges that it has benefited from the experiences of other secretariats, and notes that other secretariats such as Ramsar have in turn borrowed from it. According to Centre staff, the design of Ramsar's monitoring process was based on that used by the World Heritage Convention.

The need for a mechanism for the parties to take action to ensure that all parties are accountable to the treaty was a suggestion from the CITES Secretariat. It is one thing to ratify a convention but, unless there is a reporting mechanism, countries have little incentive to comply. Secretariat intervention in promoting and monitoring compliance must be mandated. The secretariat could be involved on an annual, biennial, or triennial basis to get the parties of the convention together to report on their progress with implementation. A concern of the CITES Secretariat is that there needs to be a mechanism in place to enable the parties to take action as soon as possible rather than having to wait for the triennial Meeting of the Parties so that peer pressure can be brought to bear on non-compliant states.[37]

Secretariats should encourage the parties to value training seminars. Not only do seminars provide training on how parties can best meet their treaty obligations, but they provide invaluable opportunities for, in the case of CITES, law-enforcement managers and scientists to meet and develop joint approaches to implementation. This then promotes communication among people who have very different perspectives on the enforcement of international agreements, and the co-operation continues beyond the actual seminar and into other areas of interaction.

Scientific and technology panels are recommended by the Ozone Secretariat, as being readily transferable organizational devices for the collaborative gathering and analysis of scientific and technical information. The secretariat assists the panels in their discussions of the practical and policy implications of their recommendations to the Meeting of the Parties.[38]

Another suggestion from the Ozone secretariat is the creation of a financial mechanism, using the Interim Multilateral Fund as a model, so that funds are available for technical assistance and to carry out country programmes without having to resort to external fund-raising. This goes some way towards addressing developing-country concerns about their potential for exclusion from decision-making in the GEF. As it stands, the Basel Convention has followed the Ozone model, and parties to the Framework Convention on Climate Change (FCCC) are presently engaged in heated discussions about which approach to adopt for the FCCC, the Ozone or the GEF model.

The Ozone Secretariat further suggests that secretariats are well placed to play an active role as brokers in informal consultations among the parties and between the parties and NGOs. As a broker, the secretariat can informally call together country experts to obtain their views, facilitate frank and informal discussions, and try for resolution.

The experience of the recently established Basel Secretariat is that there are a number of administrative experiences that are transferable. Secretariats can learn from each other in the area of internal management practices such as staff recruitment, hiring of consultants, and financial management. Operational practices and procedures are other areas in which experiences are transferable among secretariats. These include the provision of assistance to developing countries, fund-raising, and knowing how to deal with national governments.[39]

In summary, it appears that there are a number of lessons that could be transferable among secretariats. However, according to several of those interviewed, advice is not always sought for 'turf reasons'.[40] That is, new secretariats are often keen to establish their own styles of operation. To seek advice openly from established secretariats is sometimes

regarded as a public admission of inexperience and incompetence. It would certainly seem that regular meetings among secretariats could be cost-effective. There is a wealth of experience among the secretariats and there is no sense in reinventing the wheel and incurring avoidable costs. In spite of their commitment to the achievement of global environmental protection objectives, the success of international environmental secretariats is just as dependent on the interaction of individual personalities as it is in any other field. Comments to this effect were made by several secretariats.

Where To From Here?

What are the factors that might indicate where activist secretariats go from here, and what future roles they might play on the international environmental stage? A major factor in defining the future roles and functions of secretariats in international environmental treaties is the preparedness of governments to accept them as actors, not just as stage-hands. The main stumbling-block appears to be concern by states that an increase in secretariat authority, and any digression from their central role as a servant of the parties, might erode state autonomy in the management of national environmental protection matters. International environmental treaty secretariats are not, however, likely to act rashly. Self-interest and organizational survival are just as much agenda items for them as they are for governments and NGOs. Also, financial constraints have been, and continue to be, used very effectively to control secretariat activity.

In spite of these constraints, there is scope for strategic planning and greater co-ordination among secretariats on a global scale that would benefit all stakeholders, including governments.

So what of the future of international environmental secretariats?

Balancing Centralization and Regionalization

The trend towards the centralization of international environmental treaty secretariats appears to be at odds with the regional implementation strategies valued by secretariats. The public argument in support of the 'Geneva strategy' is presented in terms of increased efficiencies and rationalization of resources. It can also be understood in terms of organizational survival to consolidate UNEP's presence in the decision-making forums of the North.

UNEP is not the only UN agency to prefer a Geneva location for its secretariats. The interim secretariats of the UNCED treaties are also based there.

For some secretariats, the question is, will the advantages of centralization outweigh the disadvantages of losing secretariat individuality and flexibility?

Given that the plan for secretariat centralization has already gained momentum, the more important question may be how to capitalize on the advantages of togetherness while heeding the knowledge and experiences of existing secretariats. There are several possibilities.

The first is how to address regional needs and interests. What is needed is both an inter-sectoral and a regional approach to the management and implementation of global environmental treaties. Secretariats are well placed to operationalize such a strategy.

One model might be the decentralization of some implementation activities. The co-operative development, resourcing, and operation of regional centres by several different treaties is one strategy. Tasks of these centres would include training, data collection, and information dissemination. Basel has already considered the possibility of regional centres for training and technology transfer. Regional centres could develop regional resource directories of experts and consultants in a variety of fields, such as scientific assessment, conflict management, and technology transfer. The centres would be in a position to co-ordinate subcontracting and minimize the possibilities of duplication. The interaction of secretariat staff from several treaties would also promote a more inter-sectoral approach to treaty implementation.

It is envisaged that the personnel in these centres would reflect the diversity of treaty interests and cultures in the region. The centres should be staffed by secondment from the headquarters of the relevant treaty secretariats, from NGOs, and from local community interests. Regional centres should not become a 'dumping ground' for less able personnel. They should provide opportunities for technology and skill transfer among personnel in the region. They would subscribe to the UN principles of recruitment and personnel practice. Provision should also be made for career development and promotion.

Regional centres would assist in reducing staff concern about their loss of credibility in the field. A regional location would reduce travel costs for secretariat staff while maintaining their presence in a region. A regional presence would allow governments and local communities easier access to treaty secretariats for advice and resources. Finally, a regional secretariat presence could be used to oversee treaty-monitoring activities in a region. It would be one way of facilitating secretariat involvement in monitoring mechanisms as suggested by the CITES Secretariat.

Such centres would also provide opportunities for international environmental treaty secretariats to share the cost of resources, such as those of communication and information technology, and information dissemination, thus establishing a public-awareness and education clearing-house for the region.

If countries favour a regional treaty presence to assist them in fulfilling their treaty obligations, then they must be prepared to support it financially. The funding of a regional centre would be shared among treaties using the services of the centre. In this case the centre could be financed by a levy on the core budgets of the relevant treaties. Funding should be assured on a triennial basis to facilitate strategic planning.

New Roles For the Actors

There are a further three tasks in which activist international environmental secretariats could be engaged as actors. These were discussed in my earlier work[41] and my original suggestions are now supported by information acquired in the recent interviews.

The first is the co-ordination and periodic assessment of research-and-information dissemination to the parties. Here secretariat facilitation skills would be used in collaborative fact-finding and joint problem-solving workshops to assist parties in identifying data-and-information needs and establishing agreed research priorities and processes. The Ozone Secretariat is, to some extent, already carrying out similar activities.

The second is the secretariat's role in compliance monitoring which should be mandated as part of the official treaty-monitoring mechanism, as suggested by the CITES Secretariat. The secretariat would have the authority to convene extraordinary Meetings of the Parties for the purpose of finding a way to assist those in breach of the treaty to comply. It is envisaged that relevant secretariat staff at the proposed regional centres would be responsible for the oversight of the treaty-monitoring system in their region.

Finally, to contribute to the conflict-management capability of the treaty regime, the secretariat would also co-ordinate training workshops in negotiation and conflict-management for secretariat personnel and stakeholders, and identify other international training resources, such as the United Nations Institute for Training and Research (UNITAR).

All three tasks will fit within the range of tasks proposed for the regional centres, including the development of regional directories of conflict-management consultants.

As an early-warning mechanism, secretariats are well placed to anticipate conflict emergence and to encourage the management and/or de-escalation of a conflict such as might arise in relation to monitoring compliance. Problem-solving workshops, negotiation training, and collaborative fact-finding are all positive conflict-management initiatives that could be used by a secretariat. Should a secretariat be considered too involved in a problem to facilitate or mediate its resolution impartially, external consultants could be used.

The appointment of a secretariat as the first point of contact in the event of compliance difficulties and violations ensures that the parties have the opportunity to resolve any such breaches 'in-house' before resorting to more public procedures. It is consistent with the trends to promote negotiation and mediation for the settlement of disputes within treaty systems.[42]

Conclusion

In many ways there were no surprises in the secretariat interview responses. The information obtained does, however, provide a comprehensive profile of what five global environmental treaty secretariats do, and the differences among them. It has also established a base for future work on the potential of activist international environmental secretariats to influence treaty implementation. While the secretariats studied have distinct personalities and differ in many ways, there is also a core of similar experiences, tasks, and strategies from which future secretariats could learn. Of particular interest are the tasks performed by the secretariats and how each secretariat deals with political, financial, and administrative challenges.

Core tasks that all secretariats perform include: servicing the parties—which is primarily an informational and operational role; norm creation, such as data-gathering and analysis; and the development of operational guide-lines for international standard-setting. However, the extent to which secretariats can effectively undertake the treaty-specific additional tasks varies considerably and depends, to a large extent, on the adequacy of secretariat resources. Additional tasks adversely effected by resource deficiencies include monitoring compliance; assistance to developing countries, which is often accomplished via missions and training seminars; and consultation and co-operation with NGOs as well as governments. Although these additional tasks are frequently perceived by both the secretariats and the parties as being critical to the successful implementation of the treaty, all five secretariats considered that their ability to perform these tasks effectively was restricted by inadequate financial and staff resources.

As it is primarily governments which define the mandate and the scope of secretariat activities, it could thus be argued that the level of financial and administrative resources made available to secretariats reflects the level of commitment of the parties to the achievement of treaty objectives.

Centralization of international environmental treaty secretariats may assist the transmission of information and promote communication among the secretariats. How secretariats can capitalize on this change, without putting aside lessons from the past and detracting from the benefits of their individuality and innovations, is an important challenge. One way of overcoming some of the perceived disadvantages of centralization might be to establish regional

centres staffed jointly by representatives of relevant treaty secretariats.

There are some new tasks that could be carried out by secretariats and co-ordinated at the regional level. Each task involves an activist secretariat as an impartial third-party intervenor in problem-solving and conflict management. Two such tasks suggested by current secretariats are as a broker of collaborative fact-finding and problem-solving workshops, and as a facilitator of meetings to overcome monitoring problems. To support these activities, and to enhance the conflict-management potential of both a secretariat and its stakeholders, secretariats would co-ordinate training initiatives in problem-solving and conflict management.

The politically sensitive nature of monitoring country compliance poses a special dilemma for secretariats. Governments may be reluctant to comply with treaty obligations for a variety of political and economic reasons. Secretariats are therefore faced with the difficulty of encouraging and monitoring compliance without the mandate to enforce it. For international environmental treaties to achieve their objectives, secretariats must have both the mandate and the conflict-management skills to take initiatives such as those suggested above.

International environmental secretariats are important actors in the negotiation and implementation of international environmental treaties. They can also play a significant and positive role in problem-solving and conflict management. For secretariats to achieve their full potential, treaty parties must guarantee them adequate financial and administrative resources and the mandate to carry out their full range of tasks. Failure to do so will not necessarily diminish secretariat commitment to treaty objectives, but it will restrict the extent to which parties can realistically expect to receive secretariat assistance, especially those countries with fewer resources.

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