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When implementation works: A comparison of Ramsar Convention implementation in different continents

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ABSTRACT

What are the processes that shape implementation of multilateral environmental agreements (MEAs) in multilevel governance? In an attempt to address this question, we move from a top-down view of implementation as compliance with international rules to viewing it as a dynamic process shaped by action at various levels. The Ramsar Convention on Wetlands offers an important context to understand the mechanisms that shape multilevel implementation outcomes. We examine Ramsar Convention implementation in Austria, Mexico, and the Republic of Korea in order to identify relevant processes that define multilevel implementation. These cases represent three different types of government, and shed light on the ways in which international law is implemented by respective governments. The Austrian case, a federal government, illustrates the ways in which subnational authorities (the provinces) are influenced by binding regional institutions (EU-rules) to create a more robust context for protection in terms of designation of Ramsar sites. The Mexican case, a semi-federal government, shows how spurred involvement by local NGOs, states, and scientists can result in significant expansion of efforts. The Korean case, a unitary government, demonstrates the ways in which aligning institutional interests (in this case local governments with national ministries) can lead to strong implementation. Analysis of these cases provides two robust findings and one deserving additional study. First, overlapping governance efforts where activity has ties with multiple regional and international biodiversity efforts tend to see cumulative implementation. Second, institutional and organizational complexity can provide opportunities for local actors to drive the implementation agenda through a mix of processes of coordination and contentious politics. A third, more tentative finding, is that multilevel funding sources can ease implementation.

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1. Introduction

What are the processes that shape implementation of multilateral environmental agreements (MEAs) in multilevel governance? This question shifts the focus from a top-down view of implementation as compliance with international rules toward viewing implementation as a system of interaction between political groups each shaping collective action (Hill and Hupe, 2003).

Multilevel dynamics of implementation for international governance efforts have been a largely ignored aspect of the policy implementation literature (Hupe, 2014). International relations literatures often use variants of the 'goodness of fit' argument (Mastenbroek, 2005) which argues that implementation is fostered "from a favorable alignment of actors' beliefs, interests and capabilities" (Peterson, 1997, p. 116).

Effectiveness of implementation of these rules has become a major research topic during the past decade (Castro et al., 2002; Kellow, 2006; Stoll-Kleemann, 2010; Chasek et al., 2011; Young, 2011; Cardesa-Salzmann, 2012). International relations research has unpacked the conditions which shape whether states adopt international rules (Skjærseth et al., 2006; VanDeveer and Dabelko, 2001), and international legal scholarship has focused on how the specific content of rules shape implementation decisions (Bodansky, 2010).

This paper goes beyond these approaches by concentrating on three dimensions at the national level that might influence implementation, namely institutions, organizations, and funding. With regard to 'institutions' and 'organizations', we follow the differentiation of North (1990), where the former are considered to constitute the formal and informal rules that govern individual behavior and structure social interactions, while the latter are groups of people and the facilities they create and represent. Institutions as well as organizations have been considered essential dimensions for the implementation of MEAs (Neumayer, 2002; Mayaux et al., 2005; Koetz et al., 2008; Oberthür, 2009). Funding has been widely identified to be crucial for a successful implementation of MEAs (Zhao and Ortolano, 2003; Luken and Grof, 2006; Gagnon-Legare and Le Prestre, 2014). Multilevel dynamics constitute an inherent element within the relationship of MEAs and implementing units within nations (Kellow, 2012; Gagnon-Legare and Le Prestre, 2014). Despite the significance, however, our understanding of dynamic, multilevel processes of treaty implementation remains rudimentary (Hupe, 2014) and more systematic comparative research on correlations between effectiveness of governance and environmental outcomes was already called for (Newig and Fritsch, 2009). By combining our views on the three vital dimensions in a multilevel context, this paper aims to further unpack the 'black box' of MEA implementation.

This paper adopts a comparative case study approach and focuses on how three different countries, Austria, Mexico, and the Republic of Korea (ROK), have implemented the Convention on Wetlands of International Importance, especially as Waterfowl Habitat (the "Ramsar Convention"). The status of designation and management of the Wetlands of International Significance, namely Ramsar sites, is used as a key indicator of how the convention has been implemented in each national context. Institutions, organizations, and funding are used as the main assessment dimensions within this geo-political multi-level context.

In the sections following this introduction, we provide an overview on the Ramsar Convention, outline and analyze the implementation processes in Austria, Mexico, and the ROK and conclude by presenting key findings of our comparisons regarding each of the three dimensions as well as a short summary.

2. The Ramsar Convention and implementation

The Ramsar Convention is a major MEA that forms a core part of the international biodiversity governance system. The decline of biodiversity, both in terms of species diversity and habitat diversity, has been identified as one of the most pressing threats to safeguarding the life-supporting capacity of the Earth system (Rockström et al., 2009; Steffen et al., 2015). For decades, different types of wetlands and the species dependent on them were some of the most threatened elements of global biodiversity (Dugan, 1990, 2005; Newig and Challies, 2014; Mauerhofer and Nyacuru, 2014). In 1971, eighteen countries met in Ramsar, Iran and crafted a global convention, which has been in operation for over four decades (Navid, 1989; Matthews, 1993; Farrier and Tucker, 2000). By February 2015, the treaty had 168 contracting parties.[1]

The Ramsar Convention has grown into one of the six treaties included in the Liaison Group of Biodiversity-related Conventions.[2] The Conference of the Parties convenes every three years and sets strategic direction for the Secretariat, which handles executive tasks and is housed within the International Union for Conservation of Nature and Natural Resources (IUCN). The primary conservation tool is the requirement in Article 2.1 that "each contracting party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance." Beyond maintaining the List, the Secretariat and the Conference of the Parties can develop plans and strategies for improving the management of listed sites, or the "wise use" of those sites in the terminology of the treaty. The Science and Technical Review Panel, which is a standing expert committee with some degree of autonomy (for comparison of different science panels, see: Haas and Stevens, 2011), assists the creation of guidelines at the international level and the Ramsar Advisory Missions assists countries in developing management strategies for specific sites when requested.

The List of Wetlands of International Importance contained 2186 sites by February 2015 with a total surface of about 208 million hectares, including sixteen transboundary sites distinguished by a formal management collaboration agreement. The Secretariat also maintains the Montreux Record of sites (currently at 48 sites) where unsustainable changes in

[1] The membership to the convention, a list of Ramsar sites, and the details about many of these sites are all accessible from the Ramsar Convention website: http://www.ramsar.org.

[2] See at https://www.cbd.int/blg/ (20.03.15).