

National Implementation and Compliance with International Environmental Accords

by Harold K. Jacobson and Edith Brown Weiss*

Countries have negotiated many international agreements to protect the environment and to conserve natural resources. While some of these agreements existed before the 1972 Stockholm Conference on the Human Environment, most have been negotiated since then. The rate at which important agreements are concluded is increasing. The substantive and procedural duties contained in the agreements have become more stringent and comprehensive, and the range of issues subject to such agreements has expanded. Most observers anticipate calls for more international agreements to protect the global environment.

Yet international agreements are only as effective as the parties make them. While it has been said that most states comply with most international agreements most of the time, there are reasons to believe that national implementation of and compliance with international agreements is not always effective and that whatever implementation does take place varies significantly among countries.

Knowledge about the implementation of and compliance with international environmental agreements is limited. Without better knowledge, it is impossible to assess their effectiveness in protecting the global environment or to evaluate the merits of proposed agreements. Formally-binding international agreements are only one of the available instruments for dealing with global environmental issues. One cannot appropriately weigh the advantages of negotiating a treaty to obtain global environmental goals, as compared to relying on market forces or education, without knowing more about what states tend to do in their execution of treaties. Nor is it possible to make sensible suggestions about measures

* Harold K. Jacobson is a professor of political science at the University of Michigan and a member of the Committee for Research on Global Environmental Change. Edith Brown Weiss is a professor of international law at Georgetown University Law Center and serves as chair to the committee.

that might be taken to improve the implementation of and compliance with existing and proposed accords.

Workshop on national implementation

As a first step in understanding these issues of national implementation and compliance, the Committee for Research on Global Environmental Change convened a workshop on National Implementation of International Accords, in Hamilton, Bermuda, on March 15-17, 1990.** Supported by the John D. and Catherine T. MacArthur Foundation, the workshop brought together area and functional specialists from several different disciplines—international relations, economics and international law. Country or regional specialists included experts on Africa, Brazil, China, India, Japan, the United States, and Western Europe.

The workshop marked the inauguration of a research project to analyze the factors that determine how international agreements are implemented and complied with in various countries. Participants noted the importance of distinguishing between implementation and compliance, with implementation referring to the formal legislation or regulations that are adopted by states to comply with the agreement, and compliance referring to the observance of these regulations and of the commitments contained in the international accord. As has become evident with respect to human rights treaties, compliance with international accords can change and improve over time. The planned research will seek to understand how improvement might be induced.

Among the international agreements considered were:

1. The Convention Concerning the Protection of World Cultural and Natural Heritage, 1972.
2. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973.
3. The International Tropical Timber Agreement, 1983.

** The workshop was organized by the authors. Participants included Piers M. Blaikie, University of East Anglia; Stephen Bunker, University of Wisconsin; Abram Chayes, Georgetown University; William C. Clark, Harvard University; Joel Darmstadter, Resources for the Future (Washington, D.C.); James V. Feinerman, Georgetown University; Michael J. Glennon, University of California, Davis; Ronald J. Herring, Northwestern University; Michel Oksenberg, University of Michigan; Steve Rayner, Oak Ridge National Laboratories; Alberta Sbragia, University of Pittsburgh; Thomas C. Schelling, Harvard University; The Hon. Stephen M. Schwabel, International Court of Justice, the Hague; Eugene B. Skolnikoff, Massachusetts Institute of Technology; and William Zimmerman, University of Michigan. Richard C. Rockwell and Shelley Crandall served as staff.