

Theoretical background

The last two decades of the twentieth century saw a remarkable increase in the breadth and depth of international environmental co-operation.¹ Several explanations have been offered to account for this trend, among them the growing transborder implications of national environmental problems and the combination of a general rise in international transactions and governmental involvement in environmental affairs at the national level (Hanf and Underdal 1998, pp. 149–51). Co-operative arrangements show great variation in their degree of formalism and ambition as well as in their geographic and functional scope. Typically, co-operation in a given issue area will initially be accompanied by rather vague joint declarations on the need to address the problem in question. Subsequently, as the co-operative process gets under way and the understanding of the problem – as well as the consensus on its nature – grow deeper, the parties may agree on stricter and more specific obligations.² Moreover, environmental accords vary in scope, ranging from global via regional and sub-regional to bilateral arrangements. Global agreements tend to be of a framework character whereas more specific requirements are often found in accords at a lower level, typically nested in the more overarching global arrangements.

The aim of this chapter is to provide a theoretical backdrop to and elaborate a research design for the investigation. The chapter consists of four main parts. The first section seeks to place the implementation literature in a wider theoretical context, asking how the two major theoretical approaches to international relations, realism and liberalism, see the role of institutions in the implementation of international agreements. The ‘whats’, ‘whys’ and ‘hows’ of the

implementation debate are addressed in the second section, focusing in particular on the interface between the concepts of 'implementation', 'effectiveness' and 'compliance'. Some major lessons from implementation of environmental agreements in post-Communist societies are summarised in the third section of the chapter. The theoretical background and the experience of implementation in post-Communist states are subsumed in the fourth section, which elaborates a specific research design for the study. The chapter should be read in conjunction with Chapter 1, which presents the overall focus of the investigation, and Chapter 3, which focuses more specifically on the legal, political and economic conditions for implementation in the Russian Federation.

Do institutions matter?

The question of whether international co-operative arrangements *in themselves* have any influence on national policies is a matter of dispute among students of international relations. This dispute originates from divergent views on the nature of the international system of states. Thus, to the hardcore realist, the anarchic nature of the world community is its most salient feature, and the states of which it is composed appear as rational unitary actors with maximisation of a fairly clear-cut set of national interests as the sole motivation for any action undertaken. In a purist-realist perspective, the fact that there is no such thing as international government necessarily implies that international agreements and other co-operative arrangements either simply reflect the national interests of participating states, or they reflect the specific preferences of the most powerful states. Consequently, such agreements have no independent influence on states' actions. In the realist perspective, state implementation of or compliance with international obligations is not considered a particularly interesting issue. For one thing, states are assumed to generally comply with such obligations. The argument is that: (1) states accept treaties only when their governments have concluded that they are in their interest; (2) they generally comply with treaties; and (3) when they do not, sanctions are employed both to punish offenders and to deter others from violating them (Weiss and Jacobson 1998). As asserted by the famous realist Morgenthau (1978), the great majority of the rules of international law are observed by most nations most of the time. For the realist, behaviour frequently conforms to treaty

rules because both the behaviour and the rules reflect the interests of the powerful states. In essence, observed compliance merely reflects one of the following three situations: (1) a hegemonic state has forced or induced a less powerful state to comply; (2) the treaty rules only codify the parties' existing behaviour; or (3) the treaty resolves a co-ordination game in which no party has any incentive to violate the rules once a stable equilibrium has been established (Mitchell 1994a).

In the relative simplicity of the realist approach lie both its major strength and its greatest shortcomings. While allowing for coherent theorising and construction of elegant models, realist perspectives are criticised for ignoring the complexity of international relations. The main opposing camp – less coherent than the realist one, and alternately labelled pluralist and liberal³ – tends to emphasise complex interdependence between states as opposed to international anarchy. It also emphasises the complexity of domestic decision-making as opposed to the rational unitary actor perspective of the realists. States' actions are seen as outcomes of complex policy processes at both the domestic and the international level, and international co-operative arrangements are viewed as one of many variables that may contribute to shaping these outcomes. This by no means implies that interests and power are considered insignificant in international relations. However, within the complex interdependence model, the role of non-state actors is drawn into the calculus, the concept of national interest is questioned, and the relevance of power is seen as highly dependent on the actual issue area. Specifically, many researchers have argued that the realist perspective may be most relevant where analyses of high politics – in particular security issues – are concerned, while more complex approaches may be called for when dealing with 'low politics', including environmental issues. In the realm of environmental policy, it will not always be clear what the 'national interest' of a state is. Various sub-groups of society may have highly diverging interests, while sharing common interests with sub-groups in other countries. Moreover, the 'value' of a clean environment compared to that of the continuation of a polluting activity is not easily determined. It may be tied to a given society's 'culture', and it may change over time, e.g. as a result of new knowledge (Hanf and Underdal 1998; Weiss and Jacobson 1998). Considering this, it may be argued that there is some room for institutions like international co-operative arrangements to actually influence states' policies. Such institutions may empower 'green'

sub-groups in participating states, and they may contribute to the production and diffusion of new knowledge. Rather than forcing states to act against their own interests they may help 'to shift countries' perceptions of their self-interest and the possibilities for reaching it through joint actions' (Hanf 2000, p. 38, referring to Levy's argument (1995)).

A common trait of most literature on implementation and treaty compliance, reflecting its origin in the broader liberal camp, is the claim that institutions matter. Where realists view treaty compliance as 'coincidental' in the sense that they claim the observed behaviour would have occurred even in the absence of treaty rules, liberalists argue that compliance might be the result of the chosen form of organisation of the regime. Liberalists maintain that it might be right that most states comply with most treaty rules most of the time, but that this is not because enforcement is applied against non-compliers. Chayes and Chayes (1995, p. 32) claim that 'Sanctioning authority is rarely granted by treaty, rarely used when granted, and likely to be ineffective when used'. The lack of formal sanctions does not mean, however, that there are no penalties for non-compliance or rewards for compliance. In line with the theory of complex interdependence, liberalists argue that states have continuing relationships with each other over a range of issues, and that questions of compliance arise in an environment of diffuse reciprocity.

One important liberalist argument in the debate about implementation of and compliance with international agreements is that negotiations do not end with the conclusion of a treaty, but are a continuous aspect of living under the agreement (Chayes and Chayes 1991). Securing compliance with a treaty becomes a matter of 'bargaining in the shadow of the law' (Mnookin and Kornhauser 1979). This implies that disputes are sought to be resolved and compliance induced through negotiations after the treaty has been concluded. The procedures employed may range from simple bilateral negotiations to formal arbitration, either specifically provided by the treaty or evolving in response to need. Attempts have even been made to bridge the compliance literature and bargaining theory, introducing the concept of 'post-agreement bargaining' (Jönsson and Tallberg 1998). Moreover, liberalists claim that bureaucratic processes often favour compliance over non-compliance. In national bureaucracies, economy counts in decisions to comply with a treaty as a matter of standard operating procedure, rather than in weighing the costs and

benefits each time an issue of compliance arises. Gathering information and securing inter-agency agreement are high-cost activities and can be performed only in relatively important questions (Chayes and Chayes 1991). The liberalist perspective includes two main types of prescriptions to increase compliance for participants in international regimes: first, to arrange the institutional setting of the regime to facilitate compliance; and second, to engage in argumentative efforts in order to persuade potential non-compliers to comply. In particular, it recommends *transparency* in the working of regimes or treaties, *mechanisms for dispute settlement* and *technical and financial assistance to states that have practical problems with complying* (Chayes and Chayes 1991, 1993; Mitchell 1994a, 1994b).

Implementation: the whats, whys and hows

So far, we have spoken rather loosely about the implementation of and compliance with international agreements, without defining the concepts. This section looks more thoroughly into how various authors have understood these concepts, and a definition of implementation is provided for further use in this study. Moreover, we ask which circumstances may require a particular focus on the implementation process, rather than on compliance performance, as far as international environmental agreements are concerned. Finally, some of the main hypotheses set forth by other authors in the field are reviewed.

What is implementation?

Whether vague and declaratory or explicit and binding, international commitments generally imply some sort of behavioural changes at the national level, which will ideally lead to the fulfilment of those commitments. Domestic implementation refers to the steps undertaken nationally in order to induce these changes. This process includes the translation of international commitments into national legislation, as well as administrative and other measures adopted by relevant authorities in order to induce target groups to comply. It may also include activities undertaken by NGOs or the target groups themselves. List and Rittberger (1998) thus identify several levels of implementation activity. Transformation of international agreements into national law takes place at the national *normative* level. *De facto* implementation by state activity and by private actors, as

well as state supervision and stimulation of private actors, takes place at the national *factual* level. Sometimes, domestic implementation is conceived of as a much narrower concept. For instance, Weiss and Jacobson (1998) take implementation to refer only to national legislative activities (i.e. the national normative level), while subsequent activities are understood in terms of compliance or non-compliance. This understanding of implementation renders the concept a stylised and rather dull thing to study. Moreover, while accords between states are necessarily concluded at the international level, implementation primarily takes place within the individual states, i.e. at the national and sub-national levels. Hence, we understand by implementation the measures undertaken at the national and sub-national levels to bring the behaviour of target groups into accordance with the particular state's international commitments. We assume that national and sub-national authorities as well as NGOs and target groups can be involved in implementation activities. Moreover, we assume that implementation is sometimes carried out jointly by national groups and members of other states; this is referred to as joint implementation.⁴

The concept of implementation is intimately tied to that of effectiveness: if international commitments are not followed through at the national level, the agreement in question will have little effect, since the activities to be regulated are normally of a domestic character. The effectiveness of an international regime is often connected to either the achievements of the stated objectives of the regime or the solution of the problems that led to the establishment of the regime (see e.g. Weiss and Jacobson 1998). Effectiveness is sometimes seen as primarily related to compliance. However, as suggested by, e.g., Victor *et al.* (1998b), the degree of implementation may be a more trustworthy measure of effectiveness than the degree of compliance. In cases where commitments are less ambitious, states may achieve perfect compliance with the formal provisions of a given agreement with very little behavioural adaptation.⁵ Compliance may also be accidental, while implementation is by definition instrumental. In accordance with this view, we are in this study interested in the *active* steps taken by authorities and other actors within the state in focus to bring the behaviour of target groups into line with the state's international commitments. We are less concerned with the degree of compliance by target groups, although compliance is considered relevant to the extent that it is believed to be the

result of implementation efforts (see last section of this chapter). Nor are we primarily occupied with the solution of the problems in question or other aspects of regime effectiveness.

Why study implementation?

Implementation of international environmental regimes is surprisingly often a very difficult task. If our subject of study were, say, international co-operation in the field of disarmament, it might be argued that the process of attaining agreements would warrant more interest than their subsequent implementation, since the former could be expected to be the most difficult part of the process. Once an agreement on reducing, e.g., the number of nuclear warheads is in place, the state in question will usually have little difficulty in carrying out that commitment – providing, of course, that it intends to honour the agreement. In contrast to this, and in contrast to realist assumptions, recent studies indicate that failure on the part of states to implement *environmental* commitments is often unintentional, in the sense that it is a result of real and often unexpected difficulties encountered during the implementation process, rather than a conscious choice to refrain from implementation (Chayes and Chayes 1993, 1995; Mitchell 1994a, 1994b; Weiss and Jacobson 1998; Victor *et al.* 1998a).

Successful implementation of international commitments is contingent upon both the will and the ability of states to influence activities at the domestic level. Environmental problems are a side effect of legitimate activities, and environmental policies tend to penetrate deeply into other policy areas (Hanf 2000). Regulating the behaviour leading to, e.g., pollution often involves constraining the actions of many actors or groups of actors – from certain sectors of the economy down to the individual citizen. Moreover, precisely because of the ‘intrusive’ character of environmental politics, its implementation is seldom left to the environmental authorities alone. Just like the ‘problem’ activities, the regulative efforts typically involve many actors: environmental authorities as well as industrial ministries; agencies at the central, regional and local levels. Moreover, ‘the *costs* of environmental protection tend to be certain, immediate, and concentrated to specific sectors of the economy, while the *benefits* will appear, by comparison, to be diffuse, uncertain, collective, and something that can be harvested only in a more or less distant future’ (Hanf and Underdal 1998, p. 157).

Thus, successful implementation may be highly dependent on a given state's *capacity to govern*, and on its ability to design policies to overcome, for instance, the danger of *vertical disintegration*, whereby a vast number of micro-decisions lead to unexpected and contrary aggregate outcomes (1998).

Analysing implementation processes

Implementation is not necessarily a process in which the state in its various incarnations tries to modify the behaviour of certain target groups. Often, target groups (typically the industry in question) possess information and knowledge that may make implementation more effective, providing these actors are allowed to participate actively in the process. Non-state actors like NGOs may also play a role, although some studies have concluded that NGOs typically play a greater role during the regime formation phase than during the subsequent implementation stage (Victor *et al.* 1998a). External support may also be important, not least for states that have few bureaucratic or economic resources. This support may consist in anything from direct financial contributions to joint implementation of relevant projects.

Weiss and Jacobson (1998) have specified a number of variables that are believed to affect the chances of successful implementation of international environmental agreements. The characteristics of the activity to be governed imply that some activities are of greater economic value to the state than others, some are more easy to monitor than others, while the process of implementation has more side effects related to some activities than to others. Another important issue is the nature of the agreement. What is the scope of the agreement – in other words, how much behavioural adaptation does it require by states? Are its provisions precise or general? Are they binding or non-binding? Moreover, a state's implementation efforts are presumably affected by the encompassing international environment. Have other states taken action to implement the agreement in question? Is it possible to be a free rider under the accord? Finally, the social, cultural, political and economic characteristics of the implementing country are assumed to influence implementation and compliance.

Implementing international environmental commitments in post-Communist societies

From the initiation of large-scale industrialisation in the Soviet Union in the 1930s and until the fall of Communism, the environmental policy performance of that country – and of the whole Eastern Bloc – was notoriously poor. As international environmental co-operation developed and broadened during the 1970s and 1980s, the industrial countries at least to some extent recognised their responsibility as the largest contributors to global environmental degradation by accepting stricter commitments than they expected developing countries to take on. However, where the Eastern Bloc countries are concerned, there was a marked tendency for them to take on only commitments that would require little or no behavioural adjustments.

Today, all these countries are going through some sort of transition towards democracy and a market economy, although they differ with respect to aspirations as well as performance.⁶ In principle, this ought to create some hope for improvement, since liberal states generally have a better environmental record than non-liberal states. However, the one study that has included a specific focus on post-Communist societies and implementation (Victor *et al.* 1998a), does not give much reason for optimism, particularly with respect to Russia.

Admittedly, polluting activities in the former Eastern Bloc countries have declined during transition, but closer scrutiny reveals that compliance with, e.g., the Long-range Transboundary Air Pollution (LRTAP) provisions is largely attributable to economic decline. Pollution per unit GDP has generally risen in post-Communist states, indicating that their industry is actually ‘dirtier’ than ever, and that a mechanism is at work which has been described as ‘compliance without implementation’ (Raustiala and Victor 1998, p. 670).

The post-Communist period has been marked by a growing inclusion of the East European countries, and, to a lesser extent, the former Soviet republics, into international co-operative arrangements of various kinds, including environmental ones. At the domestic level, the post-Communist states have tended to use Western models for environmental policy regulation, notably by adopting provisions relying on market mechanisms. However, as demonstrated by Victor *et al.* (1998a), such measures frequently have other (mostly unexpected and undesirable) consequences in post-

Communist states than in the more developed liberal market economies of the West. Moreover, the post-Communist states are characterised by certain developmental traits, some of which are conducive to implementation of environmental policies, but many of which have the opposite effect. These traits can be summed up as democratisation and decentralisation of political power, transition from a planned to a market economy and extensive changes in the legal sphere. A crucial factor that has exacerbated or impaired the impact of these processes, is the fact that in most cases they have been accompanied by considerable economic decline.

The political sphere

Several studies indicate that a state's political system may profoundly affect its performance in the area of environmental policy, both in the area of domestic politics and international co-operation. It would be a gross over-simplification to treat the relationship between the two variables ('political system' and 'environmental performance') as precisely defined. Nevertheless, there seems to be a tendency for democratic states to show greater will to give priority to environmental considerations, while totalitarian states, though less inclined to prioritise environmental issues, show greater ability to implement environmental commitments, once they are taken on.

Towards the end of the 1980s, in the heyday of glasnost and perestroika, democratic mobilisation in Eastern Europe and the Soviet republics frequently centred around environmental issues. As the veil of secrecy was partially lifted, serious ecological problems were revealed to a public formerly ignorant of their scale – in some cases even of their existence – and these issues swiftly moved to the top of the political agenda. However, while a democratic system may be associated with higher concern for the environment, economic decline tends to have the opposite effect, and this certainly seems to be confirmed by subsequent developments in the post-Communist countries. Most people soon became more concerned with their own economic well-being – indeed, with day-to-day survival – than with ecological problems, and, likewise, politicians increasingly focused on how to reverse the negative trend and achieve economic growth.

At the same time, to the extent that governments were willing to implement environmental policy goals (international commitments as well as nationally defined objectives), they found themselves increasingly unable to do so. While the Soviet Union, for instance,

with its extremely centralised political system, actually may have come quite close to the realist conception of states as unitary actors, this image hardly applies to any of the post-Communist countries. Although the democratisation process cannot be viewed as fully completed in these countries, decentralisation and diffusion of power has lengthened the chain of implementation and thus decreased the governments' abilities to implement policy in general, not least in an area as complex as environmental politics. In the Russian case, this tendency is strengthened by the federal structure of the state. Moreover, the economic crisis combined with the particular trajectory of economic reform in Russia have greatly undermined the fiscal strength of the government, rendering its implementation capabilities even weaker. Thus, in the post-Communist countries in general, and in Russia in particular, economic decline has served as a counter-force to the tendency of democracy to enhance public environmental concern, while it has amplified its tendency to complicate the task of implementation.

The economic sphere

A functioning market economy is normally characterised by high economic efficiency, and thus the transition from plan to market in Russia and Eastern Europe ought ideally to have put a stop to the inefficient and environmentally unsound over-consumption of resources so typical of these countries' industries. It might also have been expected that the market forces' push towards efficiency would have caused industrial enterprises to invest in new technologies, which in turn would create considerable environmental dividends. On the other hand, the market transition could be expected to have some negative effects as well, since privatisation would result in weaker state control over target groups (e.g. industrial enterprises). Again, the negative predictions have been proven right, while the predicted positive outcomes (i.e. investments in cleaner technology) have largely failed to materialise. Adjustments of production modes and a shift to new technologies both require immediate investments, while the increased returns take some time to occur. The lack of a functioning system for credit blocked this option for many enterprises. Moreover, privatisation was largely carried out in a legal vacuum and in circumstances characterised by little transparency, poor oversight by the authorities and a general lack of certainty about the future. Thus, incentives were created for those controlling

(not necessarily owning) the privatising enterprises to harvest great short-term profits in ways which were hardly conducive to the long-time profitability of the enterprises. Far from making investments in their enterprises, some directors and/or owners blatantly plundered them of their assets and pocketed the profits. At the same time, many highly inefficient enterprises were kept alive and not allowed to go bankrupt, as authorities feared the social consequences of their demise.

The legal sphere

The earliest phase of transition was characterised both by a strong focus on environmental matters and on intensive revision of old legislation, and in many of the post-Communist countries this resulted in relatively progressive laws in the area of environmental protection. However, gradually the initial momentum was lost, and in many cases this meant that strong framework legislation, e.g. as expressed in the constitution of a particular state, was not reflected in specific laws and regulations. Moreover, the belief in the efficiency of market mechanisms as a way of regulating target behaviour has not been quite justified by realities. The post-Communist states do not yet have functioning markets, and thus 'distortions' occur more often here than in mature market economies. Sanctions such as fines have been rendered inefficient due to inflation, which demonstrates how the legislative process has failed to keep pace with the general development of society. The court system has often proven unable to enforce regulations effectively, and it often takes a very long time before a case is brought to court. The independence of courts cannot be taken for granted, and the same goes for controlling agencies, which often have strong ties with regional or local executive authorities. The authorities, in turn, are often more concerned with an enterprise's role as an employer, taxpayer and/or provider of social services than with any adverse effect its activities may have on the environment.

The transition period has been less protracted and less difficult in the East European and Baltic States than in the former Soviet republics. Many of the former countries show signs of approaching the end of transition, while the future of the latter, the Russian Federation included, still seems highly uncertain.

An agenda for research

The study will focus on Russian implementation activities related to the international commitments outlined in Chapter 1. By implementation activities we understand the active steps initiated by Russian authorities, and presumably carried out in co-operative efforts between federal and regional authorities, target groups and other non-state actors (and sometimes also in co-operation with other states), in order to bring the behaviour of target groups in line with international commitments. Compliance with international agreements is here not seen as particularly interesting in itself, cf. the tendency referred to above of post-Communist states to show 'compliance without implementation'. However, compliance is viewed as relevant to the extent that the observed behaviour of target groups can be causally linked to implementation activities. Therefore, each case study will contain an overview of target group compliance related to the overall discussion of implementation performance.

A point of departure for the study is the lesson drawn in previous studies that implementation failure is often unintentional, the result of difficulties encountered during the implementation process rather than a conscious choice by the state in question to refrain from implementation. As pointed out in the previous section of this chapter, it can be assumed that this is particularly true for post-Communist states. During the so-called transition period, these states have experienced devolution of power – lengthening the previous chain of implementation – weakened fiscal strength and control over target group activities, a slow legislative process, a tendency for sanctions to be ineffective and have only a brief history of independent enforcement agencies. Hence, the study has a particular focus on Russia's 'capacity to govern', here: capacity to initiate and co-ordinate the necessary organisational and policy-related measures required to bring the actions of target groups into line with the country's international commitments.

By approaching each problem area in the same fashion and systematically asking the same questions, we will facilitate comparison between the three cases. First, factors will be identified that further/hamper implementation in each specific case. Second, cases will be compared in order to distinguish between factors that are case-specific and those that are common to all three cases. Third, these findings will be compared with findings from other relevant studies.

The first step to be carried out within each problem area is to examine the nature of the problem. This will have strong implications for our subsequent evaluation and comparison of implementation records in each of the cases. If the problem is related to activities of private actors, the implementation process is believed to be more difficult than if it relates to the working of state enterprises. Likewise, implementation is assumed to be more difficult the greater the significance of the regulated activity in economic terms, and the harder it is to monitor the activity and detect non-compliant behaviour by target groups.

Key questions related to the nature of the problem are:

- Is the activity controlled by private or public actors?
- How important is the activity in economic and other terms?
- How are costs and benefits associated with the activity, and with regulation, distributed?
- Is it easy or difficult to monitor the activity and detect non-compliance with regulations?

The next step of the investigation is to study the international commitments selected for examination in each issue area. The more demanding the commitments – binding rather than non-binding, containing specific provisions rather than vague ones, and requiring significant adjustments in the behaviour of target groups – the more difficult the implementation process can be expected to be.

Key questions related to the nature of the commitments include:

- How much adjustment in behaviour do the commitments require?
- Are the provisions of the commitments vague or precise?
- Are the commitments expressed through binding agreements or are they declaratory in nature?

The nature of the problem and the nature of the international commitments will be studied to the extent that they may offer alternative explanations for variation in compliance, i.e. variation that cannot be ascribed to characteristics of the domestic implementation process. By contrast, the domestic process is defined as our main object of scrutiny; thus, it will be studied in greater detail.

Usually, the first step in the domestic implementation process is to adjust national legislation to the requirements laid down by the international agreements in question, i.e. in those cases where such

requirements exist. Consequently, we shall address the legislative issues first, asking whether the necessary laws and regulations have been passed at the national and sub-national level, what sanctions are prescribed and whether these are actually employed.

Key questions related to the incorporation of international commitments in national legislation are:

- Are international commitments reflected in domestic laws and regulations?
- Has new legislation been adopted to reflect these commitments?
- What kind of sanctions (if any) does the law provide for in case of non-compliance?

The further domestic process, whereby the intentions expressed in the international commitments and in domestic legislation are translated into action, can progress in different ways. Unless the target groups are already in compliance with the provisions of the commitments – which, indeed, would render implementation as we define it unnecessary – the authorities must try to influence target group behaviour. This may involve the use of various methods, from coercion (law enforcement by [threat of] sanctions), to positive incentives (e.g. material support) and communicative efforts (e.g. information campaigns), and it may involve a large number of actors. Due to the complexity of this process, we shall approach it in a stepwise fashion, studying the roles of various groups of actors separately: authorities at various levels, target groups and other actors like NGOs and research communities. The role of external actors, like international governmental organisations (IGOs) and foreign NGOs, in the domestic implementation process will also be addressed.

The main responsibility for policy implementation normally rests with the executive branch of government. The delimitation of responsibilities between various sectoral branches within the executive as well as between the federal and regional level will be studied. Of particular interest is the division of responsibility between governmental structures representing polluters and users of natural resources on the one hand and monitoring and enforcement bodies on the other. As far as target groups and other non-state actors are concerned, we are primarily interested in whether they are ‘admitted’ into the implementation process, their material capabilities to influence implementation and the degree of independence they enjoy *vis-à-vis* public authorities.

Key questions related to implementation activities of public authorities include:

- What are the roles of governmental structures representing polluters and users of natural resources (e.g. industry ministries) versus those responsible for environmental protection?
- Which are the ‘strongest’ in terms of formal status, budget, personnel resources etc.?
- To what extent is the responsibility for implementation delegated to regional and local authorities?
- To what extent are sanctions prescribed by legislation used in practice?

Key questions related to implementation activities of target groups are:

- Is the activity in question carried out by private or state actors?
- What kinds of capabilities do the target groups have at their disposal in terms of financial resources, relations with authorities and contacts to major ‘financial–industrial groups’?
- To what extent is the responsibility for implementation delegated to the target groups?

Key questions related to implementation activities by other non-state actors include:

- Are these groups given any official role in the implementation process?
- What kind of capabilities do they have in terms of financing, knowledge, contacts etc.?

The latter two questions are relevant also with respect to external actors. It is necessary to keep in mind that the role of external actors is analytically somewhat ambiguous. They may be involved more or less directly in the domestic implementation process, but nevertheless it might be more correct to define their activities as an ‘international’, rather than ‘domestic’, variable.

Notes

- 1 For instance, Weiss and Jacobson (1998, p. 1) note that at the time of the United Nations Conference on the Human Environment in Stockholm in 1972 there were only a few dozen multilateral treaties dealing

with environmental issues. By the time of the United Nations Conference on Environment and Development in Rio in 1992 more than 900 international legal instruments were either directed towards environmental protection or had more than one important component addressing the issue.

- 2 Thus, Hanf and Underdal (1998) point out how such policy processes typically run through a number of stages, where the identification of a problem is frequently followed by the adoption of a framework convention, which, at a later stage, is supplemented by protocols spelling out more specific measures.
- 3 Modern international relations theory claims that both realism and liberalism are *rationalist* perspectives as opposed to *reflectivist* approaches; see, e.g., Wæver (1996).
- 4 We are aware that the concept 'joint implementation' has a more limited meaning when speaking about, for instance, the global climate regime. Nevertheless, we have chosen to use it here referring to all kinds of joint initiatives between Russia and other states to facilitate implementation of Russia's international obligations.
- 5 This is, of course, very much a question of how effectiveness is defined. Underdal (1992) points out that effectiveness may be understood either in terms of relative improvement, or in terms of the distance to a defined optimal state of affairs. The scope of implementing activities carried out may give a better indication of relative improvement, while compliance rates may say rather more about the distance to the optimal state.
- 6 See note 7, Chapter 1, for our reservations against labelling the post-Communist states 'transition economies'.