



## **Individual Advanced Research Opportunities Program**

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### **Thinking Globally, Acting Locally? Understanding the Participation of Post-Soviet States in International Environmental Agreements**

#### **Topic of Research**

This research was undertaken as an integral part of my dissertation project. My dissertation explores the domestic implementation of international environmental commitments in the post-Soviet states. The governments of most post-Soviet states rapidly signed on to a range of environmental treaties upon gaining their independence from the Soviet Union in late 1991. Research has suggested, however, that their enthusiasm for signing onto international environmental agreements has not been consistently matched by vigilance in implementing these agreements' provisions. What factors determine whether a country goes beyond ratification to take the often challenging and costly steps that implementation requires? While others have focused attention on factors regarding treaty design and compliance mechanisms, this work argues that in these post-Soviet states it is more fruitful to look at the domestic politics of implementing environmental commitments, particularly on how state and societal actors interact around the issues covered by the treaties.

I argue that the ratification of these environmental agreements by post-Soviet states is not uniformly cosmetic, as some have argued, and that implementation is bound up in working out new methods and structures for state-society interaction on environmental questions. Civil

society organizations have been able, on some agreements and in some places, to play a significant role in bringing about implementation.

## **Relevance and Contribution to Field**

In many cases scholars and practitioners writing about mechanisms bringing about the implementation of international environmental agreements add the caveat that their mechanism of choice is the case in democratic systems, but may not apply elsewhere. For example, Gunter in a study of NGO participation in implementing biodiversity agreements cautions that the NGO roles he discusses may only hold “as long as sufficient democratic structures are in place”.<sup>1</sup> But what makes for sufficient structures, and are there ways for NGOs to contribute in less democratic states?

All three of the countries where I am conducting case studies provide insight into this question. In none has democracy been consolidated. Ukraine has by far the most democratic political system, but it remains chaotic and plagued by frequent elections and shifting coalitions that make forming policy and setting priorities difficult. Kazakhstan has an entrenched authoritarian system, however has allowed a varying but relatively significant space for NGOs to operate. Belarus, where I intend to extend the research, is by far the most closed of these systems, with the fewest opportunities for independent societal organization and international contacts despite its location on the border of Europe.

There has been an enormous growth in the number and scope of multilateral environmental agreements over the last several decades. The United States has played a key role in the negotiation and implementation of many of them. However, for these agreements to be effective, there must be widespread implementation of the agreements’ commitments. The continued participation of the United States in international environmental cooperation is threatened by concerns about non-implementation on the part of other parties.

Questions of democratic transition in the post-Soviet states and how it can be promoted have also been linked into environmental protection issues. United States assistance to the region initially made support for environmental NGOs an important piece of its focus on civil society building. The international rhetoric of environmental protection has begun to make these links explicit as well. This is most clearly illustrated by the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and the language of “environmental democracy” that surrounds it. Public participation, transparency and government accountability indeed are connected both to good environmental policy and to democratic systems. These connections, however, are complex and contingent. One objective of my work is to draw out how these democratic and environmental protection goals align, and when they diverge, which should help with developing more effective assistance to pursue both aims.

## **Approach and Research Methodology**

My dissertation combines quantitative analysis across all 15 post-Soviet states and case studies of three key states to explore what factors best account for the degree of implementation of multilateral environmental agreements. The field work conducted under this IREX fellowship

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<sup>1</sup> Gunter, Michael M. Jr. 2004. *Building the Next Ark: How NGOs Work to Protect Biodiversity*. Hanover, NH: Dartmouth College Press.

allowed me to collect data for two of the three cases. It also has provided me with important information for revising the variables that I am using in the quantitative portion of the dissertation. The greater understanding of the issues that I gained from my interviews and document review has caused me to redefine some of my indicators of implementation.

The research carried out under this grant supported intensive case study research in Kazakhstan and Ukraine. I intend to carry out additional study in Belarus. In each of these countries I focused on the roles played by four domestic constituencies concerned with the environment: nongovernmental organizations, representatives of economic interests, specialists belonging to international scientific communities concerned with environmental issues (epistemic communities), and employees within state environmental agencies. Given the rapid turnover of staff at the environmental ministries in both countries, I also conducted interviews with several people who have left the ministries. This allowed me both to better understand the history of the countries' involvement in some of the agreements of interest to me, as well as the opportunity to speak with people who might be able to talk more freely now that they are outside the bureaucratic structure. Additionally, I spoke with international organizations and bilateral donors working in the countries on environmental issues.

Interviews were carried out in Kyiv, Kharkiv, and Lviv, Ukraine, and Almaty and Astana, Kazakhstan. Questionnaires to gain a better understanding of how environmental NGOs view international conventions and whether they are relevant to their work were sent out to almost 200 NGOs in Ukraine, many of which are located outside of the cities where I conducted interviews. This provided an important opportunity to receive input from NGOs outside major cities. I also developed and revised with my Kazakhstani colleagues a survey for Kazakhstani NGOs which will be sent out this month.

## **Research Findings and Preliminary Conclusions**

The findings below attracted my interest because they were unexpected or seem to be a particularly important part of understanding how state-society relations around the environment are structured. They therefore are interesting as both a potential result of participation in multilateral environmental agreements, or, conversely, a cause of participation and implementation. I am still at a very early stage of analyzing the data collected over my eight months of research, however, so these should be read much more as preliminary findings and leads than as conclusions.

Some findings that held in both countries:

- Of the four main domestic constituencies I investigated, environmental NGOs were the most active on questions of convention implementation. The environmental bureaucracies in most post-Soviet states are fragmented and weak in relation to Ministries of Economy, Energy and Justice and to the various structures that focus on the use, rather than the protection, of natural resources. The Kazakh Ministry of the Environment, for example, has just 24 people in the department responsible for both participation in international conventions and national environmental legislation. While work with international conventions is more spread out in the Ukrainian ministry structure, there are very few people dedicating much time to this task. Staff turnover has further weakened the ability of ministry officials to engage seriously with these conventions. While individual bureaucrats have in some cases played a large role in advocating for the signing of a particular environmental agreement, they simply do not

have the time or influence to bring about implementation without the contributions of others.

The scientific communities that are sometimes pointed to as primary actors in the spread of norms from the international to the national levels (for example, Haas 1990) have been greatly weakened by the drop in state funding for and the social prestige of science in the post-Soviet period. Many scientists who are involved in environmental advocacy do so either through NGOs or as consultants for international organizations. Lawyers form another possible epistemic community that could transmit norms of environmental protection and the implementation of commitments, but there are very few people specializing in environmental law.

Economic interest groups have mainly been able to ignore international environmental commitments rather than advocating for them to be either rejected or implemented. One exception has been the Business Council for Sustainable Development in Kazakhstan, which sees involvement in international environmental conventions as a positive step in moving Kazakhstan toward standards that are consistent with those that business operates under elsewhere in the world.

- Relatively few nongovernmental organizations identify themselves as working on law and policy. In Kazakhstan, of the 183 groups listed in the Regional Environmental Center directory, only 14 mention work on “environmental legislation” or “environmental policy” as an area of activity, although considerably more than this number of organizations can be found circulating petitions, writing letters, attending public hearings, and in other ways seeking to influence policy. In Ukraine, an environmental NGO directory put out by the NGO support center Ednannia lists 34 organizations that work on “environmental law” out of 424 included in the directory.
- General awareness of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters is especially high relative to other Conventions among both NGOs and government officials. The Convention has led to a number of changes in domestic legislation, particularly in Ukraine, and to the formation of a number of structures for public participation and consultation in both countries.
- In both countries, implementation of biodiversity protection conventions has benefited greatly from the presence of local and national environmental NGOs who are networked with international NGOs and treaty secretariats. These groups are providing research that contributes to the listing of endangered species and important habitats under convention provisions, are monitoring environmental conditions, and are actively involving local populations as called for in several of the relevant agreements. State capacity is significantly bolstered by NGO assistance, and NGO participation can sometimes expose cases in which the state would rather look aside as important political or economic interests contradict environmental commitments.
- Some convention secretariats quite actively conduct outreach to attract countries to participate: for example, Kazakhstanis involved with biodiversity protection recount how the Ramsar Convention Eastern Bureau courted Kazakhstan for years, progressively lowering the required dues to entice Kazakhstan to join. International NGOs such as the Royal Society for Bird Protection also actively worked to ensure Kazakhstan’s accession. The Aarhus Convention Secretariat is pushing to get enough countries to ratify the Pollutant Release and Transfer Protocol that it can go into effect before the

next Environment for Europe meeting. This has meant courting Central Asian countries, which are very unlikely to be able to implement the protocol because they do not have sufficient monitoring systems.

All of this points to the need to focus additional attention on implementation and how it can be brought about.

Some findings from Ukraine:

- Lack of state capacity in the environmental protection sector was much more pronounced than I anticipated. The Ministry of Environmental Protection is disempowered within the government structure, which I anticipated, but also has very little control over its own regional branches.
- Given the political turmoil in Ukraine, it has been particularly hard to elevate environmental issues so that they become a priority to the political leadership. While Ukrainian environmental NGOs have come to recognize the need to participate in politics and political advocacy to attempt to get their issues on the table, they have had relatively little success. Many people within and outside the environmental NGO community attributed the degree of implementation of international environmental agreements that does take place to the constant pushing of NGOs, but NGOs have not been able to institutionalize the commitments or do much to help spread specific environmental protection norms enshrined in these agreements.

Some findings from Kazakhstan:

- International image is important to Kazakh president Nursultan Nazarbaev. Increasingly, he is striving to be recognized as a regional power as well as an important international player that straddles geographic divides. This ambition can be seen in Kazakhstan's desire to chair the OSCE, its hosting of the Aarhus Meeting of Parties, and its leadership in regional sustainable development processes connected to the UN Commission for Sustainable Development and the Agenda 21 goals.

This is also reflected in the recent ratification of several multilateral environmental agreements: in the past year Kazakhstan has ratified the Ramsar Convention on the Protection of Wetlands of International Importance and the Rotterdam Convention on Prior Informed Consent and has intensified discussions about ratifying the Kyoto Protocol. The government has also passed a number of important pieces of domestic legislation in the past two years with involvement of specialists from nongovernmental organizations, including a Concept for Sustainable Development and a new Environmental Code.

Comparison with Ukraine suggests the importance of this high level interest. Despite a much larger and in many regards stronger NGO community in Ukraine, and the freer atmosphere that they have in which to organize and voice their opinions, Ukrainian NGOs have been unable to boost the priority of environmental issues for the Ukrainian president, prime minister and Parliament, who have been endlessly involved in power struggles among themselves. With the enabling condition of a government primed to action, or at least the appearance of action, on environmental protection, Kazakh NGOs have been able to push for developments with true impact.

## Suggestions for Future Research

- My research focused on broadly multilateral environmental agreements, not ones that cover a subregion. So, for example, I included several conventions under the auspices of the United Nations Economic Commission for Europe (UNECE), which includes all of the states of Europe and the former Soviet Union, but not the Tehran Convention on the Caspian Sea, which was signed only by the littoral states. A number of informants in Ukraine suggested that subregional agreements (an example for Ukraine would be the Carpathian Convention or Black Sea Convention) are better implemented and have more domestic effects. It is beyond the scope of this research project to explore in depth why this may be the case (and whether, in fact, there are objective indicators to support this contention), but it could be an interesting subject for future research. In the literature on international agreements, there can be found arguments that one would expect to see greater implementation and compliance with treaties with a smaller number of participants as well as explanation for why wider participation might improve implementation. Bringing empirical data from the region to bear on this question could help yield new insights.
- As mentioned above, the Aarhus Convention has helped to stimulate a variety of new structures for public consultation and participation in environmental decisionmaking. However, the enthusiasm and rapidity with which these have been set up, particularly in Kazakhstan, suggested to me that these were not being seen as new and potentially useful though untested innovations, but rather as comfortably resembling some Soviet era structures to channel and control participation. Comparing Soviet institutions for local participation with some of the “new” participatory options would be an interesting project.

## Recommendations for the US Policy Community

While much of the data I collected suggests that environmental NGOs have played a valuable role in promoting implementation of international environmental commitments, it bears underscoring that public involvement is certainly not a panacea and must be accompanied by political will and increased state capacity to address environmental issues. Support for civil society cannot substitute for support for state capacity building. The environmental, security and other interests of the United States are not served by weak states that lack the ability to address the region’s significant challenges.

There is certainly evidence from these environmental cases that involving a country in a multilateral environmental agreement can lead to domestic change even if the goals that the country is pursuing are not purely, or even mainly, environmental. Kazakhstan’s push for international legitimacy has opened up a window to address environmental issues there. Many people with whom I spoke bemoaned the United States withdrawal of support for addressing environmental challenges. The US helped set up some very valuable institutions, for example the Climate Change Coordination Center, which works on climate change issues including serving as the contact point for Kazakhstan’s participation in the Framework Convention on Climate Change. There are plenty of opportunities for the US to continue to play a role in environmental protection efforts that can further US interests in the region.