

Forum

Measuring the Negotiation Burden of Multilateral Environmental Agreements

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The seventeen years since the landmark 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro have been a busy time for Global Environmental Governance (GEG). UNCED spurred a flurry of negotiating activity on many multilateral environmental agreements (MEAs), including the so-called Rio Conventions—the Convention on Biological Diversity (CBD), the United Nations Framework Convention on Climate Change (UNFCCC), and the United Nations Convention to Combat Desertification (UNCCD). The prolific negotiation agenda, at and immediately following UNCED, has produced a complex array of agreements and instruments, resulting in an impressive amount of environmental governance and regulation.²

Intense negotiations, however, have come at a price. They have spread thin the limited financial and human resources devoted by nations to GEG and created a mess of seemingly unmanageable institutions.³ The negotiation burden has been particularly heavy for developing countries, which often have the fewest resources and weakest capacity.⁴ This has led to what some have described as a sense of negotiation fatigue because of an expanded and unwieldy negotiation load.⁵

But exactly how intense is the negotiation? How busy is the system? What is the “negotiation burden” that the burgeoning GEG system imposes on states and MEA secretariats? Much of the literature remains case-based and is derived

1. This paper builds on data originally collected by the authors for a project conducted for the International Institute for Sustainable Development (IISD) and funded by the United Nations Environment Programme (UNEP). The analysis presented here was done independently and does not necessarily reflect the institutional positions of either IISD or UNEP. The authors want to acknowledge the research assistance of Asheline Appleton and Patrick Michaelan, as well as the comments and suggestions of two anonymous reviewers.
2. Najam et al. 2004, 23.
3. Biermann 2000, 22; and Esty and Ivanova 2002, 5.
4. Najam 2005, 111.
5. Chasek 2005, 74; von Moltke 2005, 175; and Najam et al. 2006.

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from close qualitative observation. This paper presents an early attempt at collecting and collating quantitative data to validate the insights produced from the observations of a decade and a half of international environmental negotiations. We now have enough empirical information over enough time to begin assembling useful data sets that can help validate our qualitative observations. As the paper notes, compiling the available information is itself a delicate task and requires tempered judgments on assumptions and demarcations of categories. Without undermining the value of qualitative analysis in highlighting the nuances of what are immensely complex processes, we hope to contribute to the development of a parallel and complementary literature on quantitative analysis of the emergent GEG system.⁶

In doing so, this paper focuses on ten key MEAs and compiles yearly information from primary sources, for the period 1992–2007. Our analysis is based on the available empirical data but is also tempered by the authors' extensive observations of MEA negotiations since the 1992 Rio Summit. In order to get a sense of the negotiation burden, we use indicators related to how much resources, time and commitment is invested. We do so by analyzing the secretariat budgets of each of these ten MEAs as well as the number, length, and location of meetings, and the number of official decisions made at these meetings. While the budget gives us an indication of the importance that the international community attaches to particular issues (and to the environment as a whole), the data on meetings and decisions made at these meetings provides a sense of both the effort and output of these efforts. This analysis helps us identify a number of key trends regarding the direction and nature of the evolution of the GEG system.

For our analysis we have selected ten leading MEAs that are representative of the larger GEG system:⁷ the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel); CBD; the Convention on Migratory Species (CMS); the UNCCD; the UNFCCC; the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC); the Stockholm Convention on Persistent Organic Pollutants (POPs); the Vienna Convention for the Protection of the Ozone Layer (Ozone); the Ramsar Convention on Wetlands (Ramsar); and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As noted above, for each MEA, we compiled data from 1992 to 2007⁸ on their officially reported secretariat budget, the number of conferences of the parties (COPs) and meetings of the parties (MOPs), the number of subsidiary meetings,⁹ the total days spent in meetings and their location, and the number of decisions resulting from the COPs and MOPs. The data

6. See Mitchell 2002.

7. Our selection has been informed by UNEP's work to measure efforts to meet internationally agreed environmental goals and objectives, see UNEP 2008.

8. Or from the year of entry into force for agreements beginning after 1992.

9. Defined as those meetings that report directly to the COP or MOP, for a complete list refer to Table 1.

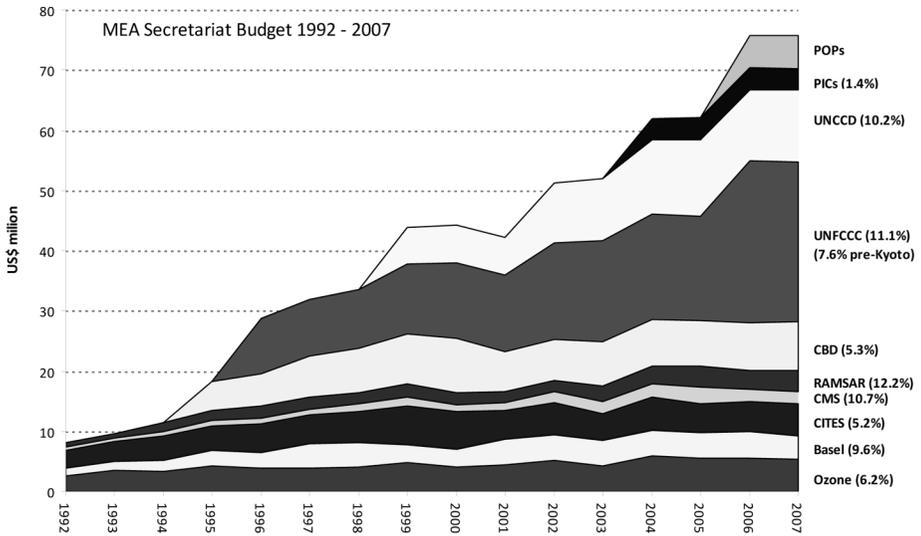


Figure 1
Evolution of MEA secretariat budgets from 1992 to 2007

Note: figures in brackets represent the averaged yearly growth rate of secretariat budgets for each MEA

was obtained from primary official sources of the MEA Secretariats. In particular, data regarding meeting dates and locations was obtained from the MEA websites, and budgetary data was extracted from official budget documents approved by the respective COPs.

The Budgets

Budgets represent one common measure for the activity level of an organization, company or country. As mentioned above, we compiled the official yearly budget for the secretariat of each leading MEA.¹⁰ The budget amounts quantify the financial resources invested into the ten key MEAs discussed here. Figure 1 clearly illustrates the tremendous growth of the budgeted amount for ten leading MEAs, from US\$ 8.18 million in 1992 to US\$ 75.83 million in 2007. This is more than a 900 percent increase. The data shows that the ten MEA secretariats under review budgeted more than US\$ 650 million¹¹ over the sixteen year-period, with a combined budget of US\$ 75 million in 2007.¹²

10. This information is available in the budgetary documents approved by the respective MEA COPs. This figure does not include, in most cases, funds budgeted for organization of conferences or implementation funds where they exist (such as Basel Convention).

11. Nominal dollars, not considering the effects of inflation.

12. For Ramsar (1992–2007) and CITES (1992–2003), which have budgets in Swiss Francs (CHF), we converted the budgets to US\$ using the exchange rate at the beginning of each year.

A closer inspection of Figure 1 reveals some interesting trends. While the overall growth is obvious, at an average yearly growth rate around 16 percent, within each MEA budget growth is significantly slower. This seems to indicate that the budgetary growth comes from the addition of new MEAs, rather than by growth within individual MEA budgets. The UNFCCC represents a marked exception, increasing its budget by 55 percent after 2005 (by almost US\$ 9.5 million). However, at least US\$ 5 million of that increase can be directly attributed to the Kyoto Protocol entering into force.¹³

It should be noted, however, that for most part secretariats do not include the costs of organizing meetings into the budgets. This is a significant unknown and could have an impact on the growth numbers. Figuring out a methodology for and creating a data set for the real cost of COPs and other negotiating sessions should be a research priority because such research will allow for a better understanding of the efficacy and efficiency of the GEG system.

Negotiation Fatigue

Many environmental negotiators express a concern about “negotiation fatigue.” This refers to the sense that the proliferation of environmental negotiations has taken on a life of its own and created a nearly “permanent” global environmental negotiation enterprise where negotiation itself seems to have become the goal, sometimes to the detriment of actual treaty implementation. This, in turn, leaves the negotiators immensely tired, but with little sense of real achievement.¹⁴ Negotiation fatigue can be particularly heavy on developing and small countries, whose limited resources are specially stretched by the growing negotiation burden.

Since the idea of negotiation fatigue is predicated on a steep increase in the burden being imposed on negotiators, we measured the amount of time that countries have spent negotiating over the past 16 years. While negotiating time does not necessarily reflect fatigue, excessive time spent in negotiations is an important driver that potentially leads to negotiation fatigue. The number of MEA-related meetings can be very large, especially if one starts counting regional and unofficial meetings. For our purpose, however, we have focused only on the most important negotiations; the ones that collect negotiators from around the world for substantive decision-making. For each of the leading MEAs, we have looked at all of the COP and MOP meetings, as well as meetings of those subsidiary bodies that report directly to the COP/MOP. Counting the number of days negotiators spent in only these most important meetings provides an objective, quantitative and easily measurable indicator. In total, we analyzed 378 meetings, summarized below in Table 1.

In counting only the most important meetings, we realize that we have left

13. UNFCCC Decision 16/CP.9, p. 51, paragraph 6.

14. See von Moltke 2005, 175; and Najam et al. 2006.

Table 1
Meetings Analyzed

MEA	meetings	MEA	meetings
CBD	<ul style="list-style-type: none"> • COP 1-8 + 2 extra; • COP/MOP 1-3 (Cartagena Protocol); • SBSTTA 1-12 (Subsidiary Body for Scientific, Technical and Technological Advice); • ICCP 1-3 (Intergovernmental Committee for the Cartagena Protocol); • ABSWG 1-3 (Working group on Access and Benefit Sharing); • BSWG 1-6 <i>Ad Hoc</i> Working Group On Biosafety; • WGRI 1-2 (Working Group on the Review of Implementation); • WG8J 1-3 (Working Group on Article 8(j)). 	UNFCCC	<ul style="list-style-type: none"> • COP 1-13 + 6bis; • COP/MOP 1-3 (Kyoto Protocol); • SBSTA 1-27 + 13bis (Subsidiary Body for Scientific and Technological Advice); • SBI 1-27 + 13bis (Subsidiary Body for Implementation); • AWG-KP 1-4 (<i>Ad Hoc</i> Working Group on Further Commitments from Annex I Parties under the Kyoto Protocol); • AG13 1-6 (<i>Ad Hoc</i> Group on Article 13); • AGBM 1-8 (<i>Ad Hoc</i> Group on the Berlin Mandate).
Basel	<ul style="list-style-type: none"> • COP 1-8; • OEWG 1-6 (Open-ended Working Group); • TWG 1-20 (Technical Working Group); • LWG 1-5 Legal Working Group; • TWG & LWG 1-2 Joint Meeting. 	UNCCD	<ul style="list-style-type: none"> • COP 1-8 + extra; • CST 1-8 (Committee on Science and Technology); • CRIC 1-6 (Committee for the Review of the Implementation of the Convention).
PICs	<ul style="list-style-type: none"> • COP 1-3; • CRC 1-3 (Chemical Review Committee); • OEWG17 (Open-Ended <i>AD HOC</i> Working on article 17). 	CITES	<ul style="list-style-type: none"> • COP 8-14; • SC 24-56 (Standing Committee); • AC 6-22 (Animals Committee); • PC 3-16 (Plants Committee).
Ozone	<ul style="list-style-type: none"> • COP 3-7; • MOP 4-18 + 2 extra (Montreal Protocol); • OEWG 6-26 (Open-ended Working Group of the Parties of the Montreal Protocol). 	Ramsar	<ul style="list-style-type: none"> • COP 5-9; • SC 11-35 (Standing Committee); • STRP 1-13 (Scientific and Technical Review Panel).
CMS	<ul style="list-style-type: none"> • COP 4-8; • StC 27-32* (Standing Committee). 	POPs	<ul style="list-style-type: none"> • COP 1-3; • PRC 1-3 (POPs Review Committee).

* The information prior to StC 27 is not published by the CMS Secretariat.

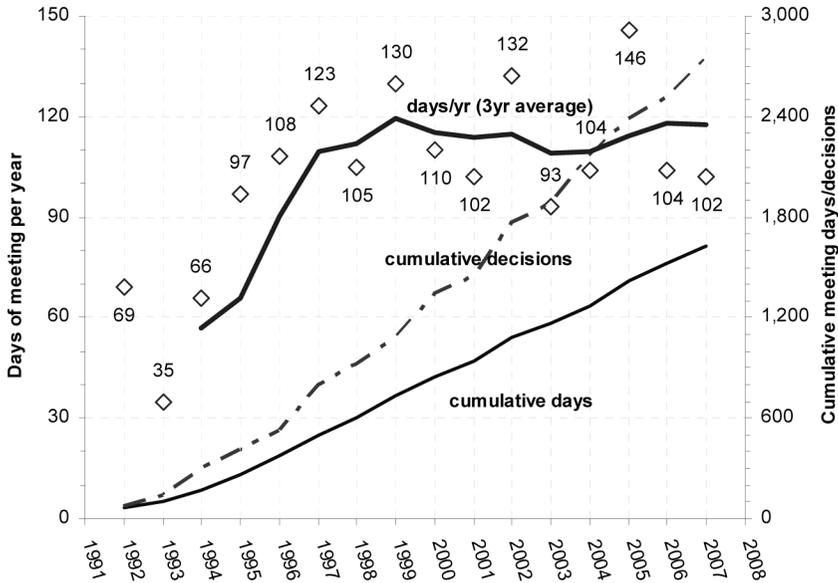


Figure 2
Leading MEA meeting days and decisions 1992–2007

out a host of “lesser” meetings, which may nevertheless be relevant to particular issues. For example, within the UNFCCC we considered 91 meetings, but we omitted information about 179 others, including expert groups, boards, dialogues, and technical workshops.¹⁵ In addition, the figures do not account for all the preparatory arrangements prior to a meeting and work afterwards, nor do they consider the relative importance of each of the meetings. For this reason, ours is a rather conservative estimate of the negotiation burden.

The analysis yields interesting results. From that data, we found that from 1992 through 2007, the selected MEAs held 250 apex¹⁶ negotiation meetings lasting 1,626 days. Figure 2 reflects some potentially interesting trends that emerge from analyzing the annual number of meeting days.¹⁷

Indicating both the cumulative and annual number of meeting days and the total number of decisions, Figure 2 provides two measures of negotiating ac-

15. Omitted UNFCCC meetings include: SoGE (1); Dialogue (4); CDM EB (36); JISC (9); EGTT (17); CGE (14); CC (7); and LEG (12); as well as at least 79 technical UNFCCC workshops from 1999 to 2007.

16. We corrected the data to take into account the fact that often different meetings of the same convention take place simultaneously or back-to-back. To that effect, we have only counted the number of not-overlapping meeting days under each MEA, and back-to-back or overlapping meetings have been counted as just one meeting.

17. While the figures suggest interesting and potentially profound trends for the leading MEAs, the data set does not provide enough entries for a rigorous statistical analysis.

tivity level. The diamonds mark the total number of meeting days per year. The thick line is the rolling three-year average of meeting days per year. Because there are strong two- and three-year peaks, caused by the regularity of COPs, the rolling average helps to smooth over those peaks and reveal the underlying trend. The thin solid line in Figure 2 represents the cumulative number of meeting days, and is read on the right axis. The dashed line (which also reads on the right axis) represents the cumulative number of decisions for the ten selected MEAs, and will be explained in the next section.

Figure 2 shows that the 3-year running average of meeting days per year grew during the 1990s as major new agreements were being added and then, in the late 1990s, it stabilized at around 115 days of meeting per year. Arguably, the system may have begun to stabilize after having reached the maximum number of days it can sustain, especially given all the other “lower” level meetings that also have to be held. However, the data does not provide a definitive explanation and more qualitative research on why and whether the system has stabilized at this level is worth exploring in future research. It would be interesting to separate the effect of more MEAs from more meeting days per MEA in Figure 2. However, our limited dataset does not support such an analysis. It would also be worthwhile to keep an eye on whether the number of meeting days per year actually begins to recede over time—either because of the aforementioned negotiation fatigue, or because negotiators become more efficient as the system matures and many decisions and deliberations become routinized.

Negotiation Decisions

Despite, and possibly because of, all this negotiating activity, measuring the effectiveness of the GEG system has become conceptually and practically important.¹⁸ While our data relates to negotiation *effort* rather than to negotiation *impact*, it may shed some light on a *de facto* yardstick that negotiators and others seem to use to measure their work: the number of formal decisions concluded at major meetings.

Let it be clear, however, that the *number* of decisions is merely an indicative measure since it does not speak to the content or type of decision. Not every decision is born equal. For example, UNFCCC Decision 1/CP.3 contains the 30 pages of the painstakingly negotiated Kyoto Protocol, while UNFCCC Decision 5/CMP.3 on compliance under the Kyoto Protocol contains only 16 lines with no operative provisions. But even the number of pages or lines is not a good indicator. For example, Decision 7/CMP.2 on review of the Kyoto Protocol also fits on one page, but its content, potentially very relevant for post-Kyoto negotiations, was bitterly negotiated, being the last decision to be agreed at COP 12.¹⁹ Having noted the above, measuring the number of decisions does

18. For more on regime effectiveness, see, Young 1999; and Miles et al. 2002.

19. Kulovesi et al. 2007, 255.

give us an indicative sense of progress because negotiators do often measure their own progress by this measure, because secretariats have to then follow and relate to these decisions, and because over time the mix of substantively different decisions are likely to average out. In the spirit of using decisions as an indicative measure, we have looked at how many COP/MOP decisions were reached every year in the ten MEAs under review.

The cumulative number of decisions for the ten selected MEAs is also shown in Figure 2 by the dashed line (which reads on the right axis). While the variability among years is greater for decisions than for meeting days (because MEAs only reach formal decisions in COP years), the data suggests that the output rate of decisions also seems to stabilize. If we look at the output of decisions for the leading MEAs over the sixteen year period, we see that it tends to stabilize at about 185 per year.

The constant slopes shown in Figure 2 for both cumulative decisions and cumulative meeting days suggests that there may be a direct correlation between the two figures. Table 2 explores this possibility by showing the average yearly number of decisions per day of meeting. Since negotiating countries reach formal decisions only during COP years, we averaged the number of decisions over all meeting days since the previous COP/MOP, including, in some cases, data for multiple years.

The relative consistency of the time series for each convention, with only a few outlier points that can mostly be explained by historical circumstances, is immediately noticeable. For example, the Sixth COP of the UNFCCC, held in 2000 failed to reach an agreement, forcing the parties to reconvene in 2001 at the COP 6 *bis*. As a result, the year 2000 rendered an abnormally low number of decisions. The regularity is striking because it appears to hold regardless of the content or length of the decisions.

One possible explanation could be that MEA negotiators have developed *de facto* output expectations of what the right number of decisions per day of work is and, consciously or subconsciously, this becomes their measure of "negotiation success." Alternatively, there may just be limits to how many decisions can be reasonably negotiated in a day. Across MEAs, the average number of decisions per negotiating day varies, but not greatly, which might suggest that negotiating patterns are repeated across the GEG system, even if different negotiators and ministries are in charge.

Geographical Distribution

Although less directly relevant to negotiation burden, an analysis of the geographical distribution of the 378 MEA meetings we assessed demonstrates that a few cities, which headquarter one or more of the studied MEAs, monopolize most of the meetings, and have emerged as *de facto* negotiation capitals. In particular, five locations, Geneva, Bonn, Montreal, Nairobi and Gland hosted more than half of the negotiating days. This may be relevant because of potential

Table 2
Average Number of Decisions per Day of Meeting

	1992	'93	'94	'95	'96	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	2007	16yr average
BaseI	2.1		1.9	1.9			0.9	3.3			1.3		2.1		2.3		2.0
CBD			1.1	1.4	1.2		0.4		0.6		0.7		1.0		0.8		0.9
CITES	0.8		2.6		3.3				4.2		2.6		2.8			3.6	2.8
CMS**			2.6			2.0		1.3			3.1			2.7			2.3
UNCCD						2.3	2.3	2.0	1.9	2.1		1.3		1.4		1.1	1.8
UNFCCC				0.7	0.6	0.4	0.8	0.9	0.3	1.1	1.1	1.1	0.8	2.4	0.9	1.0	0.9
PICs													3.6	0.5	0.9		1.7
POPs														2.5	1.8	2.2	2.2
Ramsar		1.3*			1.3										0.9		1.2
Ozone	1.1	5.1	3.3	2.9	2.8	3.1	4.3	3.4	2.6	4.7	3.9	5.7	4.3	5.4			3.8
MEA AVERAGE	1.2	2.4	2.3	1.4	1.2	2.1	1.1	1.6	1.7	1.8	1.7	2.0	2.1	1.9	1.2	2.2	1.7

* includes data from 1991; ** does not include StC days before 2004

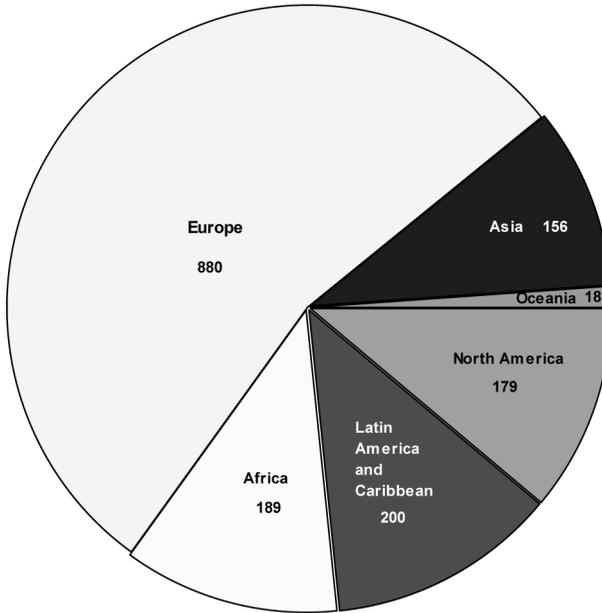


Figure 3
Continental Distribution of Meetings

efficiency gains. Figure 3 and Table 3 show that, while a few cities monopolized about two thirds of the meeting days, there is nonetheless a long distribution tail, with meetings held in a total of 75 cities, representing all UN regions. Regional distribution is even amongst continents, with the exception of Europe, which held more than half of the meetings. However, if the three top European locations (Geneva, Bonn and Gland) are not considered, Europe only held about one fourth of the meetings. Even more interesting is the case of North America. With the exception of Montreal, headquarters of the CBD and host to many other MEA meetings, North America hosted only a tiny fraction of the total meetings. More specifically, there was only one day of MEA negotiations at the UN headquarters in New York in 16 years for these ten MEAs.²⁰

Further Research

The research discussed in this paper is an early attempt at measuring the negotiation burden imposed on parties by the GEG system. We have also tried to iden-

20. We should note, however, that the UN Commission on Sustainable Development (CSD), which meets yearly in New York, has not been included in this analysis. While CSD is highly relevant to GEG, it is technically not a MEA and thus has not been considered. Had we done so, this would have changed the underrepresentation of New York by adding at least 200 negotiating days.

Table 3
Days of Meeting per City

<i>Days</i>	<i>Cities</i>
300+	Geneva (Switzerland) 337.
200–299	Bonn (Germany) 209.
100–199	Montreal (Canada) 155.
50–99	Nairobi (Kenya) 89; Buenos Aires (Argentina) 50. Gland (Switzerland) 79;
30–49	Rome (Italy) 47. The Hague (the Netherlands) 44.
20–29	San Jose (Costa Rica) 29; Kuala Lumpur (Malaysia) 22; Bangkok (Thailand) 28; Paris (France) 21; Kyoto (Japan) 23; Harare (Zimbabwe) 20. Dakar (Senegal) 22;
10–19	Curitiba (Brazil) 17; Jakarta (Indonesia) 12; Cartagena (Colombia) 16; Kushiro (Japan) 12; New Delhi (India) 15; Madrid (Spain) 12; Santiago (Chile) 15; Milan (Italy) 12; Bali (Indonesia) 13; Nassau (Bahamas) 12; Cape Town (South Africa) 13; Recife (Brazil) 12; Fort Lauderdale FL (USA) 13; Marrakech (Morocco) 12; Brisbane (Australia) 13; Berlin (Germany) 11; Bratislava (Slovakia) 12; Lima (Peru) 11; Havana (Cuba) 12; Valencia (Spain) 10. Montpellier (France) 5;
< 10	Beijing (China) 9; Prague (Czech Republic) 5; Kampala (Uganda) 9; Pruhonice (Czech Republic) 5; Budapest (Hungary) 8; Pucon (Chile) 5; Copenhagen (Denmark) 7; Punta del Este (Uruguay) 5; Lausanne (Switzerland) 6; San Miguel de Allende (Mexico) 5; Aarhus (Denmark) 5; Seville (Spain) 5; Antananarivo (Madagascar) 5; Shepherdstown (USA) 5; Basel (Switzerland) 5; Tenerife (Spain) 5; Brussels (Belgium) 5; Washington D.C. (USA) 5; Cairo (Egypt) 5; Windhoek (Namibia) 5; Caracas (Venezuela) 5; Colombo (Sri Lanka) 4; Darwin (Australia) 5; London (UK) 4; Hanoi (Viet Nam) 5; Ouagadougou (Burkina Faso) 4; Johannesburg (South Africa) 5; Antigua (Guatemala) 4; Kuching (Malaysia) 5; Arles (France) 3; Langkawi (Malaysia) 5; Chiang Mai (Thailand) 3; Leiden (the Netherlands) 5; Vienna (Austria) 3; Lisbon (Portugal) 5; Piriapolis (Uruguay) 2; Lyon (France) 5; New York NY (USA) 1. Montpellier (France) 5;

tify some emerging trends and offer possible explanations, in the hope that this will stimulate further research that combines quantitative and qualitative analysis to arrive at more nuanced explanations. Although we hope to inform and contribute to the related literature on regime effectiveness,²¹ our analysis is focused on negotiation *effort*, as opposed to negotiation *impact*. Ultimately, we hope that better metrics of negotiation effort will create a better understanding of regime effectiveness as a function of effort to impact. We believe that three issues are particularly ripe for further quantitative research: (a) consideration of “lower” ranking meetings; (b) consideration of further MEAs; and (c) combining quantitative and qualitative analysis of output documents.

On a quantitative level, new insights could be derived by counting all the official MEA meetings, not just the governing and subsidiary bodies. In particular, it would be interesting to determine the trend for meeting days when all meetings are accounted for, as well as the evolution of the relative ratios of COP and subsidiary body meetings to “lower level” meetings. For example, in the case of the UNFCCC, as noted above, counting all meetings would expand the number of meetings considered from 91 to at least 270. Though not technically part of MEAs, the meetings leading to the signature of a MEA, such as Preparatory Commissions (PrepCom) and Intergovernmental Negotiating Committees (INC), might also be included.

Another clear quantitative improvement would be to expand the data set by including more MEAs. Although we feel that the set of MEAs chosen for this analysis is very representative, a more comprehensive list would provide for more robust results.

Finally, an area that can absorb almost unlimited amounts of research time and resources is qualitative analysis of the MEA output documents. For example, defining and applying a classification of decisions according to their type (e.g. procedural, administrative, etc.) would be a good next step. Doing so for a few key MEAs would provide deep insights into the linkage between the number and quality of decisions and begin giving us a more nuanced understanding of negotiation efficacy. In this paper we have taken a first step by quantifying the number of decisions per year for each MEA.

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21. For example, Young 1999; and Miles et al. 2002.

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