The grammar of monitoring and enforcement mechanisms in international conservation: A comparative institutional analysis of four treaty regimes

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This paper uses four conservation treaties — The International Convention on the Regulation of Whaling (ICRW), the Convention on International Trade in Endangered Species (CITES), the Convention on Migratory Species (CMS), and the Convention on Biological Diversity (CBD) — to study monitoring and enforcement (M&E) mechanisms at the international level. The author applies the rule typology found in the Institutional Analysis and Development (IAD) framework as well as the Institutional Grammar (IG) to measure the stringency and robustness of the M&E mechanisms.

KEY FINDINGS

- Identification of verbs and constraints that dilute mandated actions.
- A divide among treaties based on specificity and punitive enforcement mechanisms.
- Monitoring and enforcement involve several different types of rules, which results in greater treaty robustness.

The Grammar of Conservation Treaties

The author codes statements in the four treaties using the IG. In examining the Deontics, which indicate whether a statement imposes a requirement (e.g., "shall," "must") or a suggestion (e.g, "may, "should"), the author finds that many statements include mandatory, legally-binding Deontic-diluting verbs (e.g. "endeavor to") and conditions (e.g., "as far as possible"). These effectively reduce many required actions to suggested outcomes in the CBD & CMS. A study of Attributes—the actor in an institutional statement—reveals a high number and diversity of individuals/entities involved in monitoring, with comparatively fewer in enforcement. Such syntactic analysis can lend insight into treaty effectiveness (or lack thereof).

Conservation Treaty Rule Typology

The IAD framework identifies seven rule types: position, boundary, aggregation, information, payoff, choice, and scope rules. Across all four treaties, M&E activities consist of coupled information, aggregation, and choice rules, but the ICRW & CITES use the highest density of statements to do so indicating higher M&E redundancy. All treaties exhibit high levels of modularity, meaning M&E mechanisms are governed by several rule types (around 5-6). This indicates that treaties have multiple avenues for engaging in M&E if one rule type does not work. Generally speaking, greater modularity translates into more successful treaty regimes but that can be offset by reductions in redundancy, diversity, and stringency.

This Research Case represents an interpretation of the original scholarship which was reviewed and approved by the original author(s).