

Implementing Environmental Treaties: Legislative and Organizational Dimensions

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Abstract:

This paper presents preliminary conceptual and empirical findings of a project that will develop a theoretical framework to understand the interaction between domestic and international political arenas that focuses on the dynamics of treaty implementation in providing alternative decision venues for political action. It does so by engaging two strands of the literature from different sub-disciplines—international relations and domestic agenda setting and implementation. The first strand incorporates insights from the international relations literature that examines the interplay of domestic and international politics. It builds on Robert Putnam's (1993) model of two-level games which draws our attention to strategic interaction between international and domestic spheres, and Keck and Sikkink's "boomerang model" that examines the interaction among domestic, transnational, and international advocacy groups in affecting domestic policy change. What these models omit is an appreciation for the roles of various decision-making venues that make up the landscape of domestic politics. The implementation of international treaties can create new venues or alter existing ones through new or amended legislation or by empowering bureaucracies to oversee implementation as part of their overall mission. The venues may provide opportunities or constraints for advocacy groups to appeal for change.

The project examines the implementation of the World Heritage Convention in Australia, Canada, and the United States, focusing on sites designated for natural attributes.

Introduction

In the mid 1990s a developer commenced plans for a resort in Far North Queensland, adjacent to the Great Barrier Reef World Heritage Area in Cardwell. Based in Townsville, the Friends of Hinchinbrook organized a forceful campaign to halt development in the area. Their appeal was politically commanding because they framed the issue in terms of its environmental impact *and* that it would impinge on World Heritage values. This claim engaged international advocacy groups and scientists, and eventually led the Minister of Environment, Sports, and Territory, John Faulkner, to invoke Australia's *World Heritage Properties Conservation Act (1983)* to temporarily halt the construction of the development.

Half a world away another World Heritage Area was under threat. The Florida Everglades World Heritage Area had been under pressure for decades from a confluence of development demands, misguided water management and harmful agricultural practices. However, its World Heritage status was not part of the rhetoric used to galvanize groups into action or to petition for policy change. In fact, most documents, debates, and accounts of the politics of Everglades' restoration scarcely mention that it was on the World Heritage List (for instance see Grunwald 2006). In the United States, there is no major piece of national legislation implementing the World Heritage Convention. Instead, the US amended existing legislation (i.e. the National Historic Preservation Act, 1966) in such vague terms that they are unable to be enforced in US courts (Glennon and Stewart 1998).

These two cases illustrate fundamental empirical and theoretical puzzles this research aims to address:

1. How does implementation of international treaties vary across nation-states with similar historical, cultural, and political systems?
2. What effect do different domestic institutional arrangements for implementing

treaties have on advocacy groups' tactics in expanding issues to the international arena versus keeping them local? In other words, do "policies make politics"?

This project will address these puzzles through systematic evaluation of the uneven implementation and political effects of various processes of the World Heritage Convention in select advanced democracies. Specifically, it will:

1. **Analyze** patterns of treaty implementation to **develop a typology** of implementation mechanisms by interrogating the legal and organizational institutions through which states put the treaty into effect. This typology will be based on the dimensions of legislative centrality (how central is World Heritage to the overarching piece of legislation?) [alternatively, might this be thought of in terms of incremental vs. radical change] and bureaucratic centrality (how central is World Heritage to implementing agencies' missions?)
2. **Examine** how national frameworks for implementation provide alternative venues for activists to petition for change, attending to variation in activist tactics according to institutional arenas.
3. **Test the hypothesis** that high legislative centrality may increase the use of courts or legal mechanisms by advocacy groups and that high executive centrality may direct action towards bureaucratic decision centres.
4. **Develop** a model to understand the interplay of international agreements, domestic implementation mechanisms, advocacy groups, and issue framing that can be applied to understanding treaty implementation across a range of issue areas.

Background

Since its inception in 1972, 184 countries have adopted the World Heritage Convention (WHC) and have listed over 800 sites of universal value for their natural and/or cultural attributes. With 181 sites designated for natural or mixed (natural and cultural) phenomena, the Convention lays groundwork for conserving places of universal environmental value and biodiversity. In terms of global conservation mechanisms, the **World Heritage Convention is second only to the Convention for Biological Diversity in the number of countries that have ratified it** (184, 189 respectively).

It relies on reputational concerns of signatories for compliance as opposed to material sanctions for parties that transgress. Research into moral suasion and norm

diffusion motivating state action is relatively well established (Finnemore 1996), as has the damaging implications of acquiring a negative reputation (Sharman 2007). If a site is threatened, it can be placed on the World Heritage List in Danger. This may draw global attention to plight of a listed property and make it eligible for additional funding for remediation. However, states respond differently to having properties being place on the List in Danger (Valentine 1996). Some see it as a “black list,” an indictment of failed management practices and will argue vociferously against such listing, such as Australia did when discussions arose around placing Kakadu National Park on the List in Danger when uranium mining was proposed at Jabiluka (Maswood 2000; Aplin 2004). In other arenas, states’ agents may actively seek placing a site on the World Heritage List in Danger, as did the U.S. Department of Interior in 1995 regarding a proposed gold mine sited adjacent to Yellowstone National Park.

The Convention is exceptional in that it explicitly provides for participation by a non-governmental organization (NGO). Specifically, the World Conservation Union (IUCN) is charged with facilitating implementation, monitoring natural sites, making recommendations to add a site to the list, or recommending sites be put on “list in danger,” as well as providing technical assistance.

Signatories to the Convention have **implemented it using a number of different mechanisms.** For instance, Australia’s experience in implementing the World Heritage Convention through the national legislation has empowered groups to invoke World Heritage Values to petition for policy change in the Great Barrier Reef World Heritage Area with regards to development in the Hinchinbrook area (Senate Environment Committee 1999), to prevent road building in the Daintree Rainforest (McDonald and Lane 2000), and prevent logging in the Lemonthyme (Tsamenyi and Bedding 1990). Aggrieved groups can appeal to the Commonwealth to intervene

when state governments or implementing agencies act in ways that threaten properties that are on, or may be placed on, the World Heritage List. The **institutionalization of the Convention through specific national legislation in Australia has had profound influences on how advocacy groups frame environmental threats and the tactics they use to achieve their goals.**

However, not all groups addressing threats to World Heritage sites necessarily frame issues in a manner that invokes obligations under the Convention. For instance, in the early 1990s when activists on Magnetic Island protested the development of a marina and breakwater in Nelly Bay, which was *in* the Great Barrier Reef World Heritage Area, they did not frame the potential damage to the area in terms of World Heritage values. It did not receive the level of national or international attention as did the Hinchinbrook development. In other words, establishing implementation mechanisms that may provide more receptive venues for activists' claims is only part of the picture. There is a more complex dynamic than simply institutional design. This research will evaluate advocacy groups' strategies in responding to potential or existing threats to World Heritage sites—when do they and when do they not frame issues as relevant to World Heritage?

On the other hand, **the manner in which the US has implemented the Convention has created a different suite of opportunities and constraints.** With no specific legislation implementing the Convention, groups vying to save the Everglades do not have the same leverage in appealing to the national government or courts for intervention as did their Australian counterparts. Instead, they framed the conflict in terms of state and national, *not* international, import. Nevertheless, there are instances that World Heritage listing does resonate in the United States. In the early 1990s when Yellowstone National Park was threatened by the development of a

nearby goldmine, it was the Park's Superintendent, Michael Finley, acting with support of the Department of Interior, who notified the World Heritage Committee of the threat to the integrity of the environmental resources. In this case, environmental advocacy groups appealed to this representative of the Department of the Interior – the lead agency responsible for implementing the Convention in the US.

These brief descriptions illustrate the under-examined connections between international and domestic politics- and that these connections are not straightforward. This research takes us beyond the traditional scope of international relations literature that is concerned with why states cooperate or the efficacy of conventions and appraises the effects of implementation on domestic political processes. These domestic political processes may, in turn, enhance or undermine the ability of the treaty to achieve its goals.

Theoretical background

This project engages two strands of the literature from different sub-disciplines—international relations and public policy—and brings them together developing a theoretical framework to understand the intersection of international and domestic politics. The first strand incorporates insights from the international relations literature that examines the interplay of domestic and international politics (Gourevitch 1978; Katzenstein 1978; Goldstein and Keohane 1993; Milner 1997; Keck and Sikkink 1998). It extends Robert Putnam's (1993) treatise on two-level games which draws our attention to strategic interaction between international and domestic spheres, and Keck and Sikkink's "boomerang model" that examines the interaction among domestic, transnational, and international advocacy groups in affecting domestic policy change. What these models omit is an appreciation for the roles of various decision making venues that make up the landscape of domestic

politics. While there has been attention to ratification processes and politics (Martin 2000), this research examines what happens *after* ratification. The implementation of international treaties can reconfigure domestic politics by creating new decision venues or altering existing ones through new or amended legislation or by empowering bureaucracies to oversee implementation as part of their overall mission. The venues may provide opportunities or constraints for advocacy groups to appeal for change as well as change coalition patterns. Additionally, inscribing a site on the World Heritage List adds an additional dimension to threats to protected areas where environmental groups can appeal to the global import of a particular site.

Studies of public policy, which include implementation and agenda setting in domestic politics, informs an evaluation of the interaction of advocacy groups and decision venues that may be created or destroyed through the implementation process (Patashnik 2008). The conceptual approach I use builds on synthetic models of implementation that consider four dominant processes: policy formation, organizational implementation, street level bureaucratic behavior, and response by target populations/advocacy groups (Winter 1990). I augment this approach with examinations of how implementation efforts have the potential transform political alliances, opportunities, and costs (Patashnik 2008) and the development of new policy venues, informed by the theory of punctuated equilibrium developed by Baumgartner and Jones (1993).

Punctuated equilibrium framework examines the interaction of issue framing, the structure of political institutions, and political actors to account for both policy stasis and change. It begins with the role of policy images or frames (how an issue is understood and discussed), in expanding concern to a previously apathetic public. The political institutions where decision making occurs are “policy venues.” These

interact with policy images in that some venues are more amenable to some types of image than others. For instance, agricultural committees have traditionally been more receptive to the use of “output enhancing” pesticides, while environmental committees have less receptive to the use of “environmentally harmful” pesticides.

The theory suggests that advocacy groups “shop” for venues that are receptive to their ideas, and also frame their appeals in ways that make them more amenable in a particular venue. Advocacy groups may engage in political learning, where they learn either from their own experience or by observing others which strategies are more successful than others in achieving policy goals (May 1992). As well as venue shopping, this learning includes the use of rhetorical devices and argumentation. Some political actors may frame domestic issues as internationally significant, appealing to international organizations or arenas to support their claims (Pralle 2006). While much of the focus of this body has been on policy change, it can also be extended (as Patashnik did) in examining what happens afterwards.

The project is *methodologically* innovative. In developing a typology of implementation, it will develop a methodology to better measure *policy centrality*, or the degree to which a policy component is focused on the overarching policy of interest. The first iterations measuring this concept concentrated on evaluating the legislative bases of policy (May, Jones et al. 2005). **Expand this section [Consider examining in terms of policy change- incremental or radical].**

This project refines this concept by adding a second dimension arguing that policy centrality must be understood by examining the legislative bases of policy *and* bureaucratic implementing mechanisms (*legislative* and *executive* centrality). Building on earlier work that identified the causes of centrality, it further advances research in this area by examining the *political consequences* of centrality through

venue development or change.

This research adds an important dimension to models of agenda setting by explicitly attending to the international bases for venue development or change. It provides an expanded approach to understanding the intersection of domestic and international politics and policy making through rigorous examination of the interplay between actors and institutions within the context of institutional change stimulated by the implementation of treaty obligations. It advances understandings of transnational advocacy network strategies by identifying opportunities and constraints for political action that are created through domestic implementation mechanisms.

The project has empirical contributions. While the Convention has been in force for nearly 30 years, there has been little in the way of cataloguing the various ways in which countries implement treaty obligations. An important contribution this exercise will make is in examining the different implementation styles, and the politics that they provoke. It will develop a typology of implementation mechanisms and evaluate the degree to which they provide alternative venues for policy advocacy. This is important because it will enhance understandings of how implementation mechanisms not only affect physical outcomes, but have the potential to shape political landscapes by providing opportunities or constraints to advocacy groups.

This project has *practical policy* implications. By examining the interaction of international treaty implementing instruments and domestic political processes, this research will enhance performance in achieving treaty goals. The research will focus on how environmental management norms and practices are diffused to and implemented within nation states and how that effects how domestic and transnational advocacy groups can work to ensure that treaty obligations are met. By focusing on the most capable states, those which are relatively well resourced and have stable,

democratic political systems, I hold those variables constant in order to examine the factors that affect the political landscapes that provide opportunities or constraints on domestic or international groups in advocating for environmental management.

Case Selection and Methodology

This research will examine treaty implementation in three democracies: Australia, Canada, and the United States. As a number of prior studies reveal there is a strong tradition for comparing US, Australian, and Canadian environmental policies (Barrie 1992; Holland, Morton et al. 1996; Pralle 2006). They make particularly good cases as they were all early signatories to the convention, have the largest number of World Heritage sites designated for their natural and mixed natural and cultural attributes in advanced democracies, and are federal systems. Additionally, the three countries have the dubious distinction of being ranked 27, 28 and 29th of 29 OECD countries evaluated on environmental indicators (www.environmentalindicators.org- 16 April 2009)

Preliminary research suggests that they can be arrayed along the legislative/executive matrix as follows: Australia is the most centralized on the legislative dimension. It makes a particularly interesting case in longitudinal analysis as until 1999, it exhibited a very high degree of legislative centrality [policy change] in the World Heritage Property Act 1983.¹ However, that legislation was subsumed in the Environmental Protection and Biodiversity Conservation Act in 1999, apparently decreasing its legislative centrality. The change in legislation provides a natural experiment to compare strategies pre- and post- legislative change. Organizationally,

¹ I discuss later how the WHPCA dramatically altered the bases of power in managing natural areas, shifting control from the state level to Cth level. The EPBCA 1999 gave more power back to the States vis a vis decision making in WHAs.

World Heritage properties are managed by a diffuse array of State, State and Commonwealth coordination, and aboriginal/Commonwealth or State arrangements. Despite the diffuse arrangements, the Commonwealth Ministry, Environment Australia, established a World Heritage Unit in 1992 to enhance the management of Australia's World Heritage Properties as a whole.

Canada lies at the other end of the spectrum with decentralized legislation and a myriad of provincial, departmental, and agency oversight in World Heritage implementation. In the middle sits the US, which has implemented the convention by amending existing legislation (low legislative centrality/incremental change), but has designated a single agency, the Department of Interior National Park Service, to oversee implementation (apparently high executive centrality).

However, this snapshot does not capture the dynamics that this research intends to unveil. In examining the implementation of international treaties, a longitudinal approach that discerns the interaction among key policy actors, bureaucracies and political strategies is more appropriate (Jenkins-Smith and Sabatier 1993). How central an issue is to an organization's mission is a key component to implementation (Wilson 1989). However it is dynamic, with attention to issues and mission subject to change over time, more or less malleable, and are adopted bureaucracies vary in their adoption of executive or legislative mandates (Carpenter 2001; Jones and Baumgartner 2005; May, Sapotichne et al. 2007). How important World Heritage is to an implementing agency may wax or wane overtime, a function of politic pressure, organizational attention, as well as the discretion of street-level or mid-level bureaucrats (Brehm and Gates 1997). An examination and analysis of organization documents, mission statements, budgetary resources and employees can establish the importance of World Heritage to an organization through time. In

centralized systems this may entail an analysis of a single organization, while more diffuse implementation may require examining multiple state or provincial level agencies.

United States:

The United States initiated and led the development of the treaty, which was adopted by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) in 1972 and the US was the first to ratify it in 1973 (See Elliot 1995, 99 17-20 for a discussion of the early conceptualizations and development of the treaty in the late 1960s). In 1978 the first sites were inscribed on the list and included Yellowstone National Park for its natural attributes. Since that time, the World Heritage Committee has inscribed eleven US national parks on the World Heritage List. (See Table 1 for list of US natural/mixed sites inscribed on list).

Year	World Heritage Area	Management Authority	Notes
Inscribed 197	Yellowstone National		
8 197	Park Everglades National	NPS	List in Danger- List in Danger-
9 197	Park Grand Canyon	NPS	199X-2007
9 197	National Park Wrangell-St. Elias	NPS NPS	Transboundary
9	(US)/Kluane National Park (CA)		- Canada
	1982- Expanded- Glacier Bay NP (US)		
	1984- Exp-		

	198	Tatshenshini/Alsek NP (CA) Redwood National and		
0	198	State Parks Mammoth Cave	NPS	
1	198	National Park	NPS	
1	198	Olympic National Park Great Smoky	NPS	
3	198	Mountains National Park Yosemite National	NPS	
4	198	Park Hawaii Volcanoes	NPS	
7	199	National Park Carlsbad Caverns	NPS	
5	199	National Park Waterton Glacier	NPS	Transboundary-
5		International Peace Park	NPS	Canada

There was little debate in the Senate regarding the treaty and it was ratified in 1973 with a vote of 95 for and 0 against. Implementing legislation was passed as the National Historic Preservation Act Amendment of 1980 (P.L. 96-515).² The 1980 Amendment directed the Department of the Interior with coordinating and directing

² [National Historic Preservation Act Amendments of 1980 report together with additional views (to accompany H.R. 5496) (including cost estimate of the Congressional Budget Office) by United States. Congress. House. Committee on Interior and Insular Affairs Published in 1980, U.S. G.P.O. ([Washington, D.C) National Historic Preservation Act Amendments of 1980 United States. Congress. House. Committee on Interior and Insular Affairs Report / House of Representatives -- no. 96-145].

US activities under the Convention, in coordination with the Departments of State, Commerce, Agriculture, the Smithsonian Institution, and the Advisory Council of Historic Preservation (Sec 401 a, b, PL 96-515, Dec 12 1980). The National Park Service was delegated responsibility for administering the US World Heritage Program.

Preliminary research suggests that advocacy groups in the United States have rarely invoked or even mentioned the World Heritage status of properties that are under threat. Most notable in excluding World Heritage status in environmental conflict is the Everglades National Park, which was put on the World Heritage List in Danger in 1993. However, it was placed on the list in danger because of damage due to Hurricane Andrew, not continuing water management and development issues that had plagued the Park for decades (see Grunwald, 2006).

However, the World Heritage Status of Yellowstone National Park was used to effectively argue for policy change in the mid 1990s to prevent the installation of the New World Mine three miles outside of the park. In the summer of 1995 as the conflict was heating up, Park Superintendent, Michael Finlay, and 14 environmental groups invited the World Heritage Committee to assess the potential impact of the mine on the park. This eventually led the park to be inscribed on the World Heritage List in Danger *and* drew the conflict to President Clinton's attention. The conflict was eventually resolved through a \$65million buyout to the mining company (Fields 2004).

(NOTE: Further Research: Data collection and analysis of US organizational resources and advocacy tactics: 2010)

Canada

Canada was also active in shaping the convention (Cantin 1993) and ratified the Convention in 1976³ and had sites inscribed in the original 1978 list (McNamee 1993). Kevin McNamee (p. 82) argues that while Canada was an enthusiastic designator of sites with 8 of Canada's 36 national parks inscribed on the List by 1992 ("nearly one quarter of the parks system"), Canada had "*generally failed to embrace the Convention as a serious conservation tool.*" (p. 85, emphasis in original).

Responsibility for Canada's natural resources is diffuse, with legislative responsibilities for nature conservation shared among federal, state, and municipal and Aboriginal communities and governments and there is no requirement for World Heritage sites to be administered or operated by the federal government (Parks Canada 2004). Instead of a single authority responsible for the management of all World Heritage,

A variety of partners are engaged in protecting areas including all levels of government, and sometimes more than one department or ministry within the same government, non-governmental organizations, private citizens, and corporations. The choice of mechanism for any particular heritage areas is dependent upon the jurisdiction, the heritage resources, and the planned use of the area. (Parks Canada 2004, sec. 1.3)

With no specific enabling legislation and because World Heritage Areas for nature in Canada are either national or provincial parks, it follows to interrogate changes to park management legislation. In commenting on the 1988 Amendments *National Parks Act* (1930), Paul F. J. Eagles (Eagles 1993, p. 72) notes that it is "the most progressive and ecologically conscious parks legislation in Canada," according primary importance to ecological factors, requiring management plans be tabled in the legislature "implying that they must be followed," and that the public be

³ McNamee (1993, p82) notes that "it has never been adopted by the House of Commons and is not supported by legislation.)

involved in decision making. However, more recently, critics have asserted that despite the strong legal framework (buttressed again in 2000), “Canada’s national parks continue to suffer severe ecological problems because of continuing commercial development within parks and the destructive activities outside park boundaries.” (Boyd 2003, p. 169) However, neither the 1988 nor 2000 amendments to the National Park Act make mention of implementing the World Heritage Convention. However, this may be less a surprise given Eagles’ (1993, p. 58) observation that, “one of the recurrent aspects of Canadian parks legislation is the fact that the legislation is written in very general terms. It provides a few broadly worded powers that are interpreted by government and bureaucratic policies.”

Similarly, provincial park acts contain no wording regarding the implementation of World heritage. Eagles describes them as “written in very general language that is loose enough to allow a broad range of management actions. The bureaucracy appears to have extremely strong powers in management. These powers can be exercised in secret with no requirements for written statements of policy... Very few other civil servants have such immense discretionary power.” (Eagles 1993, p. 58)

A number of threats to World Heritage Areas have been fought in Canadian courts, however, with little reference to the World Heritage Status of the areas:

Year	WH Area	Issue	Applicant	Respondent	Source
1992	Wood Buffalo	Clear Cutting	Canadian Parks and Wilderness Society	Superintendent, Wood Buffalo NP	T-272-92, MacKay J., judgment dated 23/6/92, 11 pp.)
1993- protracted conflict through 1997	Banff NP	Ski run development, timber cutting	Canadian Parks and Wilderness Society	Superintendent of Banff National Park	T-2505-93 Indexed As: Canadian Parks and Wilderness Society v. Banff National Park (Superintendent) et al., 69 F.T.R. 241 (C. F.C.T.D. 1993)
1997	Jasper NP	Chevoit Open pit coal	Alberta Wilderness Association, et al	Canada, Ministry of Fisheries and Oceans	Indexed As: Alberta

		mine			Wilderness Association et al. v. Canada (Minister of Fisheries and Oceans) et al., 146 F.T.R. 19 (C. F.C.T.D. 1997)
2001	Wood Buffalo	Thebacha road through WBNP	Canadian Parks and Wilderness Society	Canada (Minister of Canadian Heritage) et al	Indexed As: Canadian Parks and Wilderness Society v. Canada (Minister of Canadian Heritage) et al., 212 F.T.R. 1 (C. F.C.T.D. 2001)

In its *Periodic Report on the Application of the World Heritage Convention*, Parks Canada (2004) identifies that the overall lead for the World Heritage program lies with Parks Canada. Other federal agencies involved in the relevant protection of the natural environment are the Canadian Wildlife Service and Fisheries and Oceans Canada. However, a number of Canadian World Heritage Areas are managed by provincial and or indigenous governments Appendix A of that report finds numerous federal and local pieces of legislation are relevant to WH protection. [Dorreen Barrie (Barrie 1992) drawing on Lucas (1986) argues that “the ‘political constitution” dictates whether legal powers of Cth vs. states will motivate federal government to act.]

Year	World Heritage Area	Management Authority
1978	Nahanni National Park	Parks Canada Alberta Community
1979	Dinosaur Provincial Park Kluane (CA) / Wrangell-St Elias	Development Kluane- Parks
1990	(US) / Glacier Bay (US) / Tatshenshini- Alsek (CA)	Canada Tatshenshini- Alsek- Minister of Water, Land and Air

		Protection (BC) and Champagne and Aishihik First Nations
198		
3	Wood Buffalo National Park	Parks Canada (?) Parks Canada,
198		British Columbia
4	Canadian Rocky Mountain Parks	Parks
198		
7	Gros Morne National Park Waterton Glacier International	Parks Canada
199		
5	Peace Park	Parks Canada
199		
9	Miguasha National Park	Parcs Quebec

Despite the lack of legislation, agencies have participated in the nomination of parks as WH Sites. Nancy Elliot (1993) asserts that many of the early nominations came from within the bureaucracy, and those civil servants “most familiar with the attributes of each site were likely the most competent at suggesting candidate nominations. (p.179).”

Most notable is the inclusion of the Tatshenshini Alsek Wilderness Park, designated as a result of NGO pressure from the US and Canada to halt the development of the Windy Craggy copper mine (181).

(Data collection – May- June 2009, Analysis- June –December 2009).

Australia

Unlike the other two countries, Australia has had very strong implementing legislation in the World Heritage Properties Conservation Act (WHPCA1983).

Australia is similar to Canada in the degree to which states have much more authority

in the development and use of natural resources that is found in the United States. However, the WHPCA fundamentally transformed the relationship for areas that are inscribed or even nominated for the World Heritage List (Full Court of the High Court of Australia, CJ et al. 1989; Davis and Weiler 1992; House of Representatives Standing Committee on the Environment 1996; Hutton and Connors 1999; Buckman 2008). Invoking the “external powers” of the Commonwealth, the Act allows the federal government to intervene in land use decisions in states that affect properties that the government is obliged to protect through treaty obligations.

Having powerful and robust implementing legislation and, over time, a high profile within the Department of Environment⁴ coincides with very active and effective campaigns that have centered on protecting World Heritage values of inscribed sites to a degree that is not seen in either the United States or Canada. Beginning with the Franklin below Gordon Dam controversy (1983), World Heritage values of particular sites have been the primary focal points the following sites: Daintree/Wet Tropics of Queensland (1987), Lemonthyme Forests (1986), Kakadu National Park (1996), Hinchinbrook Channel/Great Barrier Reef Marine Park (1996).

In fact, MB Lane (1999, p. 144) notes that,

an expectation was created within the environmental movement that it could now appeal to the Commonwealth against any state decision (Kellow, 1996). As a result, the environmental movement increasingly sought to involve the Commonwealth in a range of natural resource policy issues. *This tendency to seek recourse to the Commonwealth is one reason why Australia has embraced the World Heritage concept like no other signatory to the World Heritage Convention: green groups have consistently called on the Commonwealth to use its constitutional and statutory powers to protect significant areas* (Lane et al., 1996). Indeed, the map of Australian World Heritage Areas is, to some extent, an atlas of Commonwealth intervention following intergovernmental conflict over

⁴ The Australian bureaucracy has undergone a number of permutations since the treaty was ratified in 1976 with the agency name changing at least a half dozen times. I use the Department of Environment as shorthand for the department charged with implementing the legislation.

resource use (Lane *et al.*, 1996).

			Management
Year	World Heritage	Authority	Great Barrier
198			Reef Marine Park
1	Great Barrier Reef	AU	Authority/Qld Aboriginal land,
198			Director National Parks
1	Kakadu National Park	AU	and Wildlife
198			
1	Willandra Lakes Region	AU	NSW
198			
2	Lord Howe Island Group	AU	NSW
198			
2	Tasmanian Wilderness Gondwana Rainforests of	AU	TAS
198			
6	Australia ¹	AU	NSW/QLD Aboriginal
198	Uluru-Kata Tjuta National Park		owned, mgd by Director
7	¹	AU	Nat'l Parks and Wildlife
198			
8	Wet Tropics of Queensland	AU	Cth/QLD
199			
1	Shark Bay, Western Australia	AU	WA
199			
2	Fraser Island Australian Fossil Mammal Sites	AU	QLD
199			
4	(Riversleigh / Naracoorte)	AU	QLD/SA Australian
199			
7	Heard and McDonald Islands Macquarie Island	AU AU	Antarctic Division TAS
199			

7	200			
0	200	Greater Blue Mountains Area	AU	NSW
3		Purnululu National Park	AU	WA

(Research in Australia- Scheduled 2010/2011)

Next Steps:

This project is in the preliminary data collection stage with fieldwork carried out in Canada in May/June 2009. Data collection in the US, Australia, and IUCN/WHB archives is tentatively scheduled for 2010 and 2011. Coterminal with fieldwork, I will continue to refine the conceptual model that underpins this study. There is clearly a relationship between the treaty and domestic political opportunities and constraints in the three countries, as well as political activism around the world heritage listing. This research provides an opportunity to compare the implementation of an important international treaty across three countries through time to evaluate the impact of different implementation mechanisms and the interplay of their development and application with advocacy groups.

References: