

Chain of effectiveness: From global to national

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Various conventions that are part of international wildlife law (IWL) articulate a concern over the pace of destruction of nature and its consequences on wildlife species. Among them, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), one of the most important treaties worldwide regulating the commerce of individuals of protected species, states that there is “urgency [in] taking action” to protect wild fauna and flora “against over-exploitation”.

The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention), the most important European convention in the area of habitat and species protection, asserts that many species “are being seriously depleted...and some of them are threatened with extinction.”

While these conventions regulate the same issue—the conservation of wildlife—they are in contention on two fundamental levels: Their philosophical underpinnings and their transformation into national law.

Table 1 shows the contending philosophical underpinnings of these instruments:

Category	Bern Convention	CITES
Ontology (the context within which wildlife destruction exists and the consequential ideal actors to address the issue).	The members states of the Council of Europe are determined to be the basic ideal wildlife management unit. It highlights the importance of cooperative action among political units beyond the state.	Individual states are declared as the ideal managers and protectors of their wildlife. This reinforces the sovereignty of states.
Axiology (What is significant in wildlife protection)	It focuses on protecting ecosystems' integrity and underscores commerce's relevance in its management.	It focuses on the survival of species and underscores its importance for commerce.
Epistemology (the hierarchy of knowledge systems to draw upon to solve the problem of wildlife protection)	It prioritises diplomatic—or soft—political knowledge.	It relies on quantitative scientific knowledge.

Interpretation

A potential consequence of the disparity in the philosophical bases of these conventions, which engage in the same conversation and are applicable in the same arenas, is that it might result in their derived wildlife public policies counteracting each other (for an explanation, see [Sollund's article](#)). Another potential outcome is that the ambivalence of IWL instruments involved in the same conversation and with the same territoriality produce such a high level of discretionary power that nation-states stop being bounded by the substratum of the conventions and can limit themselves to following the technicalities and procedures mandated by the instruments.

Case study: Norway

The second potential outcome (contentions opening up for discretionary powers) is what happened in Norway. The Norwegian government used the discretionary range that the contending philosophical pillars opened up to freely decide which mandates to incorporate into its national legislation.

The Norwegian state uses a *dualistic principle*, which means that international law first becomes national when the relevant Norwegian authorities have decided on the measures that transform international rules into Norwegian law. Norway has two methods of converting international law into national law: *transformation*, in which parliament issues laws that fulfil the commitments derived from the treaty, and *incorporation*, in which the international rules are made national as they are.

Table 2 shows the procedures the Norwegian government used to transform the Bern Convention and CITES into national law.

	Bern Convention	Cites
Procedure	<i>Transformation</i> (continuous): Issuing a new law that acknowledges the treaty's contents but does not fully follow them.	<i>Hard incorporation</i> (1983): using the exact text of the convention. <i>Soft incorporation</i> (2002): using the convention as a template but with minor changes, copying most of the convention in an internal regulation (thereby using it as a framework law) but making some changes in accord with national rules and internal interests.

Global interpretation

The effectiveness of wildlife treaties depends on a chain that goes from the international to the local. One can divide the chain into many links depending on the level of detail one wants to include. Still, a basic structure contains three links: the contents of the treaty, the national legislative action derived from the treaty, and the local implementation of the treaty by stakeholders. CITES and the Bern Convention have effectively aligned on the econocentric contents; otherwise, they are misaligned. The aligned element (economic concerns) has tricked down to national legislation; the misaligned elements have been neglected.

Recommendations

International treaties regulating the same issue (wildlife conservation) and with the same territoriality should be philosophically aligned for them to have a coherent political application and increase their effectiveness. Misalignment opens for a broad discretionary power governments exploit to frame internal regulations to follow interests beyond biodiversity protection. Effectiveness in international regimes depends on a clear message sent from the top of the regime chain; only that way will it trickle down and modify the behaviour of practitioners and other stakeholders.

The opinions expressed in this policy brief are the author's own and do not reflect the view of the University of Oslo, Department of Criminology and Sociology of Law.



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