

What does it mean to be a party to an MEA

Obligations and expectations

Obligations

Substantive vs. procedural

Substantive*

- Policies/legislation
- Institutions
- Financial contributions

Procedural

- National focal point
- Designated authorities
- Reporting

- * Obligation of effort vs. obligation of result
- * Hard law obligations vs. soft law obligations

Obligations

Differentiation contributes to the effectiveness of MEAs

All parties have the same obligations

Principle of common but differentiated responsibilities

- Contribution to environmental damage
- Economic capacity
- Differences in commitment/ambition

Institutional framework

- Supreme governing body (COP/MOP)
- Subsidiary bodies
- Secretariats



General expectations

- Technical assistance
- Technology transfer
- Financial mechanisms



Enforcement / Implementation / Compliance

➤ Enforcement

Procedures when the party is not in compliance

➤ Implementation

The actions that the party takes to reach compliance

Implementation may not be sufficient to meet the treaty standards =>
non-compliance

➤ Compliance

The party honors its obligations

A party does not implement an obligation but may be in compliance

Compliance review vs. dispute settlement

Implementation/Compliance* review

- Non-confrontational
- Non-judicial
- Consultative
- Transparent
- Cost-effective
- Preventive
- Facilitative

Dispute settlement

- Two or more Parties
- Interpretation/application
- Amicable means
- Arbitration or ICJ
- Time consuming
- Expensive
- Not really used in MEAs

Why then is it included?

**Why is compliance important?*

Sanctions

The teeth of some MEAs

To restore compliance

- When a party is found to be in non-compliance
- Usually suspension of rights and privileges
- What are the reasons? The gravity? The duration?
- Clear, fair and transparent procedures
- As a last resort, typically upon recommendation of the implementation/compliance body to the COP/MOP



Thank you



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