What does it mean to be a party to an MEA

Obligations and expectations

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### Obligations

**Substantive vs. procedural**

<table>
<thead>
<tr>
<th>Substantive*</th>
<th>Procedural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policies/legislation</td>
<td>National focal point</td>
</tr>
<tr>
<td>Institutions</td>
<td>Designated authorities</td>
</tr>
<tr>
<td>Financial contributions</td>
<td>Reporting</td>
</tr>
</tbody>
</table>

* 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

<table>
<thead>
<tr>
<th>Implementation/Compliance* review</th>
<th>Dispute settlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Non-confrontational</td>
<td>• Two or more Parties</td>
</tr>
<tr>
<td>• Non-judicial</td>
<td>• Interpretation/application</td>
</tr>
<tr>
<td>• Consultative</td>
<td>• Amicable means</td>
</tr>
<tr>
<td>• Transparent</td>
<td>• Arbitration or ICJ</td>
</tr>
<tr>
<td>• Cost-effective</td>
<td>• Time consuming</td>
</tr>
<tr>
<td>• Preventive</td>
<td>• Expensive</td>
</tr>
<tr>
<td>• Facilitative</td>
<td>• Not really used in MEAs</td>
</tr>
</tbody>
</table>

*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