

Reporting and Review Institutions in 10 Multilateral Environmental Agreements

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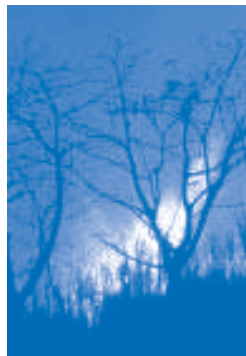
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TABLE OF CONTENTS

ACKNOWLEDGEMENTS	vii
EXECUTIVE SUMMARY	viii
INTRODUCTION	1
Scope of the Report	2
Organization of the Report	2
CHAPTER 1: KEY CONCEPTS AND DEFINITIONS	3
Review institutions	3
Compliance, enforcement, implementation and effectiveness	
Reporting	4
CHAPTER 2: REVIEW INSTITUTIONS	9
An Overview	9
Reporting	9
Implementation review	10
Compliance review	12
Effectiveness review	14
Environmental assessments	14
CHAPTER 3: EXISTING AND PROPOSED REVIEW INSTITUTIONS IN 10 MAJOR MEAs	17
The 1971 Ramsar Convention on Wetlands	17
Basic structure	17
National reporting	18
Implementation review	19
Compliance review	20
Effectiveness review	21
The 1972 World Heritage Convention	21
Basic structure	21
National reporting	21
Implementation review	22
Compliance review	23
Effectiveness review	23



The 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora	24
Basic structure	24
National reporting	24
Implementation review	25
Compliance review	26
Effectiveness review	29
 The 1979 Convention on Migratory Species	29
Basic structure	29
National reporting	30
Implementation review	31
Compliance review	31
Effectiveness review	31
 The 1982 Law of the Sea Convention	31
Basic structure	31
National reporting	31
Implementation review	31
Compliance review	33
Effectiveness review	33
 The 1987 Montreal Protocol	33
Basic structure	33
National reporting	34
Implementation review	34
Compliance review	35
Effectiveness review	38
 The 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	38
Basic structure	38
National reporting	39
Implementation review	39
Compliance review	40
Effectiveness review	41



The 1992 Framework Convention on Climate Change and the 1997 Kyoto Protocol	41
Basic structure	41
National reporting	42
Implementation review	43
Compliance review	45
Effectiveness review	47
 The 1992 Convention on Biological Diversity	47
Basic structure	47
National reporting	48
Implementation review	49
Compliance review	50
Effectiveness review	50
 The 1994 Convention to Combat Desertification	50
Basic structure	50
National reporting	51
Implementation review	51
 CHAPTER 4: NON-MEA REVIEW INSTITUTIONS - A COMPARATIVE SURVEY	53
The International Labour Organization	53
The World Trade Organization	55
The North American Agreement on Environmental Cooperation	57
International Human Rights Regimes	59
Arms Control Agreements	60
The World Bank Inspection Panel	60
 CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS	63
Overview of MEA review institutions	63
Recommendations and Lessons Learned	66
Recommendation 1	66
Recommendation 2	68
Recommendation 3	69
Recommendation 4	69
Recommendation 5	70
Recommendation 6	71
Recommendation 7	72
Recommendation 8	73



Bibliography	75
Appendix 1: The 10 Multilateral Environment Agreements	79
Appendix 2: Overview of MEA Review Institutions	80
Appendix 3: Acronyms	81
Appendix 4: Secretariat Websites	82



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EXECUTIVE SUMMARY

For multilateral environmental agreements (MEAs) to be effective at achieving their goals they must be put into practice. While there has been significant progress in the negotiation of new MEAs over the past several decades, until recently attention to implementation at the state level has lagged. Many MEAs, however, obligate parties to submit national reports on their implementation-related activities. Some also contain processes for the review of party implementation; some go further and review compliance with MEA obligations; and some MEAs evaluate their own effectiveness. Collectively, these practices and associated rules and subsidiary bodies are termed review institutions.

This report describes and analyses review institutions in the set of 10 major MEAs described in GEO-2000 (see Annex 1 for the complete list). Review institutions are centrally important to global environmental governance because they provide a means to evaluate, on an ongoing basis, the performance of MEA parties. While other studies exist for particular MEA review institutions, this report is the first to look at a wide range of major environmental agreements and to analyse their review institutions comparatively.

Review institutions are defined in this report as institutions, formal and informal, that gather, assess, and take decisions based on information relevant to the implementation of, compliance with, adjustment of, and effectiveness of international obligations, as well as of subsidiary agreements and authoritative decisions of the parties. While “review” may encompass many things, the primary focus in this report is the review of domestic actions and implementation.

Review institutions are typically authorized and defined in the text of MEAs, but they often evolve, or are created through, subsequent decisions by the parties or by subsidiary MEA bodies. In addition, specific review institutions in practice often interact with, and are influenced by, other institutions and international organizations. These institutions and organizations may be legally external to the MEA or may be part of the MEA process. In either case these linkages with formally external actors and processes are often central to the operation of the MEA review institutions. For all these reasons, this Report employs an empirical, rather than purely legal and textual, approach to review institutions. It seeks to describe in detail both how reporting and review are formally structured in each MEA as well as how they operate in practice. This analysis is based upon a combination of sources: international legal texts, decisions of the parties, scholarly accounts, and interviews with the secretariat of each MEA.

Within the set of ten MEAs explored, existing review institutions vary widely. The many details are

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