

INDEX

- Aarhus Convention, 4, 16, 49, 70, 149
 advisory function, 108–9
 civic engagement in implementation of, 272
 compliance committee, 151
 compliance mechanism, 277
 dispute settlement under, 158
 and European Court of Justice, 283
 monitoring under, 87
 NGO participation in non-compliance mechanism under, 89
 non-compliance procedures, 122
 Lithuania/Belarus, 126, 141
 Romania/Ukraine (Bystroe Canal), 72, 82, 85, 125
 public participation in non-compliance procedure, 67, 102, 104, 107, 150, 282
 recommendation as compliance measure, 68
accountability mechanisms, 208, 211, 215
 Inter-American Development Bank, 210
 multilateral development banks, 195
 World Bank, 189–91, 193, 197
adjudication, 41, 136
 absence from new trade non-compliance mechanisms, 185
 inappropriateness in international criminal law, 411
 international monetary system's need for, 217
 trade agreements' traditional reliance on, 173
 weaknesses of, 79, 438
advisory procedure, 105
 facilitative vs judicial advisory function, 116
 Water Convention, 106, 108–17, 119
 See also facilitative compliance/implementation
African Union, 395
after-action review, 20, 24
Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction.
 See BBNJ Agreement
arbitration
 under Aarhus Convention, 158
 arbitrage consultatif, 114
 under Bern Convention, 246
 Chagos case, 148
 under CITES, 159
 interstate vs international commercial, 472
 investor-state, 480
 and monetary disputes, 227
 under multilateral environmental agreements, 129
 under Southern Bluefin Tuna Convention, 158
 under UNCLOS, 158
 See also South China Sea Arbitration
Bartolini, Giulio, 20, 21, 35
Basel Convention, 4, 123, 149
 implementation and compliance committee, 33
 expertise requirements, 136
 lack of transparency, 139
BBNJ Agreement, 16, 46, 120, 481, 483

- BBNJ Agreement (cont.)
 non-compliance provision, 46–48
 potential for advisory procedure, 118
- Berman, Ayelet, 35
- Bern Convention, 244
 case file system, 239, 248
 compared to European
 Commission infringement
 procedure, 250–54
 complaints received under, 242,
 248, 249
 legal opportunity under, 250
 overhead power line in
 Lithuanian–Polish borderland,
 249
 overlap with European
 Commission activities, 260
 soft recommendations, 246, 250,
 256–58
 enforcement monitoring through,
 256, 257
 overlap with EU Birds and Habitat
 Directives, 245–46
 spring hunting complaint against
 Maltese government, 258–60
 wind farms in Balchik and Kaliakra,
 254–57
- Birdlife International, 241, 242, 250,
 252, 257. *See also* Bern
 Convention
- Bodansky, Daniel, 51–52
- Camenzuli, Louise Kathleen, 54
- capacity-building
 and compliance tools, 183
 interlinkage with compliance, 46
 in health domain, 28
 and pandemic preparedness, 26, 28
 and Paris Agreement, 31, 34, 57, 63
 and Water Convention, 110
 and World Bank Dispute Resolution
 Services, 214
- Cassese, Antonio, 385
- Chayes, Abram and Antonia Handler
 on implementation challenges in
 international regulatory
 systems, 38
 The New Sovereignty, 37, 41
- Churchill, Robin, 56, 480
- CITES, 4, 16, 50, 53
 implementation and compliance
 bodies, 138, 155
 non-compliance procedure, 49, 70,
 159
- Commission for the Conservation of
 Southern Bluefin Tuna, 146,
 154–55
- Commission on the Limits of the
 Continental Shelf. *See*
 UNCLOS
- Committee on the Elimination of
 Racial Discrimination, 366
 state-to-state complaints before, 127,
 128, 366
- compliance
 dispute settlement as broader aspect
 of, 42
 and global interdependence, 37, 40,
 41, 43, 44, 45
 and human rights treaties, 331–32
 interlinkage with capacity-building,
 46
 in health domain, 28
 theoretical basis for, 18, 37, 41
 managerial theory, 38–39
 rationalist theory, 40
- compliance committee(s)
 under Aarhus Convention, 151, 277,
 371
 Bystroe Canal, 86, 125
 under Basel Convention, 123
 under BBNJ Agreement, 47, 118
 closed meetings of, 139
 of Commission for the Conservation
 of Bluefin Tuna, 155
 compared to international courts
 and tribunals, 142, 152
 effect of findings of, 45
 environment-related, 149
 under Escazú Agreement, 151, 279, 281
 under Espoo Convention, 152
 expertise of, 135
 facilitative aim of, 142
 facilitative measures decided by, 141
 feature of multilateral environmental
 agreements, 276

- independence of, 137–38, 150
- and international environmental law, 3
- initiation of procedures before, 121, 125, 127
- under Minamata Convention, 151
- monitoring by, 122
- under Montreal Protocol, 58
- nomenclature, 67
- under Paris Agreement, 30, 32–35, 57, 61–64, 68, 124, 152, 277
 - facilitative character of, 5
- outcome, 140–42, 150
- powers of, 150
- under Rotterdam Convention, 64
- state responsibility and, 44
- state-to-state procedures before, 132, 143
 - corroboration of claims, 135
 - in human rights context, 128
 - prerequisites, 134
 - South African submission under Kyoto Protocol, 133
- conciliation, 488
 - under 1954 Hague Convention, 453, 454–58
 - as part of World Bank dispute resolution, 201
- conferences of the parties (COPs), 50, 53–56
 - under Escazú Agreement, 271–73
 - facilitative approach of, 70
 - and multilateral environmental agreements, 53
 - origin of, 53
 - powers of, 54–56
 - procedure-based legitimacy of, 70
 - role in non-compliance procedures, 53
 - See also* meetings of the parties (MOPs)
- Convention for the Protection of Cultural Property in the Event of Armed Conflict. *See* Hague Convention (1954)
- Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. *See* Aarhus Convention
- Convention on Biological Diversity, 83, 145
 - Cartagena Protocol on Biosafety, 272
 - dispute resolution under, 159
 - Nagoya Protocol on Access and Benefit-Sharing, 108, 272, 278
 - Subsidiary Body on Scientific, Technical and Technological Advice, 155
- Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 400, 402
- Convention on Environmental Impact Assessment in a Transboundary Context. *See* Espoo Convention
- Convention on International Trade in Endangered Species of Wild Fauna and Flora. *See* CITES
- Convention on Mercury. *See* Minamata Convention
- Convention on Psychotropic Substances, 393, 419
- Convention on the Conservation of Antarctic Marine Living Resources, 149
- Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. *See* Basel Convention
- Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. *See* Rotterdam Convention
- Convention on the Protection and Use of Transboundary Watercourses and International Lakes. *See* Water Convention
- Council of Europe, 395
 - Committee of Ministers, 299
 - enforcement of European Court of Human Rights judgments, 302, 326
- Conference of the Parties to the Warsaw Convention, 399
- Convention against Trafficking in Human Organs, 403

- Council of Europe (cont.)
- Convention on Action against Trafficking in Human Beings, 334, 337, 340, 396, 402, 418
 - Committee of the Parties, 400, 402
 - Convention on Cybercrime, 398
 - Committee, 401
 - Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, 397
 - Conference of the Parties report, 397
 - Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime, 397
 - Convention on Offences relating to Cultural Property, 397
 - Convention on Preventing and Combating Violence against Women and Domestic Violence, 397
 - Convention on the Counterfeiting of Medical Products and Similar Crimes Involving Threats to Public Health, 398
 - Convention on the Prevention of Terrorism, 399, 401
 - Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 396
 - Committee of the Parties, 400
 - Convention on the Suppression of Terrorism, 398
 - Criminal Law Convention on Corruption, 398
 - European Commission for the Efficiency of Justice, 416
 - Group of States against Corruption, 400, 403, 416
 - non-binding anti-corruption instruments, 403
 - and right to a healthy environment, 364
 - Russia's expulsion from, 290, 304
 - See also* Bern Convention; Group of Experts on Action against Trafficking in Human Beings
- Court of Justice of the European Union.
- See* European Court of Justice
 - customary international law, 51
 - component of international criminal law, 387
 - monetary sovereignty, 228
 - prevention of harm, 41
 - prohibition of torture, 290
 - protection of cultural property, 445, 450–51
 - right to a remedy, 192
- Downs, George W., 40
- Duffy, Helen, 338
- enforcement
- collective, 42
 - complementary to non-compliance procedures, 143
 - Kyoto Protocol as illustration of, 103, 151
 - of criminal law treaties, 399, 402
 - of environmental human rights, 362, 365
 - under Escazú Agreement, 283
 - European Commission mechanism of, 252, 253
 - European Convention on Human Rights system of, 328, 329
 - of European Court of Human Rights judgments, 296, 325, 326
 - in human rights domain, 300
 - of ICSID arbitration awards, 480
 - influence on state participation in treaty systems, 331
 - in inter-American human rights system, 281
 - in international commercial arbitration, 472
 - of International Covenant on Civil and Political Rights, 316–20, 325
 - under International Health Regulations, 38
 - of international law on atmospheric protection, 65
 - vs managerial approach to compliance, 38, 40, 411

- multipronged ('mosaic'), 43
 - political economists' insistence on, 40
 - political use of term, 172
 - responsibility-based punishment, 66
 - of right to a healthy environment, 267
 - through sanctions, 42
 - in South China Sea Arbitration, 482, 483, 484
 - in trade law, 172–75
 - treaty bodies' powers of, 299
 - under UNCLOS, 479
 - under WTO Agreement, 479
- environmental disputes
 - aptness of consent-based governance, 53
 - complementary role of adjudicative and treaty bodies, 95
 - and European Court of Human Rights, 59
 - importance of monitoring, 368
 - inter-state, 143
 - judicial settlement of, 58–60, 362–63
 - and UN human rights treaty bodies, 361, 382
- Escazú Agreement, 265
 - Aarhus Convention's compliance mechanism as model for, 278
 - Committee to Support Implementation and Compliance, 103, 151, 273–76
 - access to, 281
 - domestic implementation of, 266–67, 270
 - implementation and compliance provisions, 271
 - and inter-American human rights system, 279, 280–83
 - Nagoya Protocol's compliance mechanism as model for, 278
 - need for regional oversight and compliance, 284
 - Paris Agreement's compliance mechanism as model for, 277
 - problem of access to justice, 272
 - public participation in non-compliance procedure, 102
 - rights established under, 265–66, 268–70
- Espoo Convention, 4
 - dispute settlement under, 159
 - implementation committee, 152
 - monitoring bodies
 - cautions issued by, 87, 91
 - interactive dialogue, 86
 - NGO participation in non-compliance mechanism under, 89
 - non-compliance procedures, 126, 128
 - Cijevna/Cem River, 112, 128
 - Romania/Ukraine (Bystroe Canal), 71, 82, 83, 86
- EU environmental law
 - compliance with, 247
 - European Union Network for the Implementation and Enforcement of, 253
 - implementation of, 246
- European Convention on Human Rights, 315
 - denunciation (Art. 58), 290
 - enforcement system, 325–27
 - impact on United Kingdom, 327–29, 330
 - prohibition of torture (Art. 3), 293
 - respect for private and family life (Art. 8), 59
 - right to life (Art. 2), 59
 - United Kingdom's relations with, 10
 - United Kingdom's role in development of, 325
- European Court of Human Rights, 326
 - and Aarhus Convention, 272, 283
 - cases
 - Budayeva and Others v Russia*, 379
 - Chowdury and Others v Greece*, 335
 - CN v United Kingdom*, 353
 - Cordella and Others v Italy*, 379, 380
 - Cruz Varas and Others v Sweden*, 304
 - Fadeyeva v Russia*, 380
 - Hirst v United Kingdom*, 329
 - Islamic Republic of Iran Shipping Lines v Turkey*, 429
 - L.E. v Greece*, 338
 - López Ostra v Spain*, 380
 - M. Özel and Others v Turkey*, 379
 - Mamatkulov and Askarov v Turkey*, 304

- European Court of Human Rights (cont.)
- Öneryildiz v Turkey*, 379
 - Rantsev v Cyprus and Russia*, 335, 338, 350–51
 - Siliadin v France*, 335, 354
 - V.C.L. and A.N. v United Kingdom*, 339
 - Zoletic and others v Azerbaijan*, 339
- climate complaints before, 374
- compared to treaty bodies, 288–93
- comparative effectiveness, 310–11
 - compliance with decisions of, 293–302
 - decisions relating to prohibition of torture, 302–10
- effect of judgments of, 296
- environmental disputes before, 59, 363, 379–80
- exclusion of NGOs as complainants, 272
- execution of judgments of, 293–302
- interim measures, 304
- judgments on human trafficking, 335, 338–39
- stance on right to a clean environment, 59
- UK courts' relations with, 327–30
- European Court of Justice
- access to, 247
 - Bern Convention case file system as complement to, 260
 - cases
 - Bank Mellat v Council*, 437
 - Commission v Bulgaria*, 255, 256
 - Post Bank Iran v Council*, 436
 - conservation cases before, 252
 - effect of judgments of, 247
 - and environmental protection, 239
 - Iran's/Iranians' recourse to, 428, 436
 - jurisdiction over restrictive measures against individuals, 429
- European nature protection law
- Bern Convention, 244
 - EU Birds and Habitats Directives, 244
- expert review
- Paris Agreement TER, 31
 - suppression conventions' reliance on, 415
 - See also* Group of Experts on Action against Trafficking in Human Beings
- facilitative compliance/implementation, 3, 15, 37, 38, 41, 42, 46
- Aarhus Convention, 108
 - advisory procedure, 65, 105, 109, 110, 116, 118, 120
 - Basel Convention, 60
 - BBNJ Agreement, 118
 - complement to judicial dispute settlement, 18
 - Council of Europe Convention on the Prevention of Terrorism, 401
 - Escazú Agreement, 271, 276
 - evolution in multilateral environmental agreements, 49
 - Kyoto Protocol, 103
 - Montreal Protocol, 61, 102
 - multilateral environmental agreements, 121, 125
 - in new-generation non-compliance procedures, 50
 - non-confrontational nature of, 123
 - Paris Agreement, 17, 31, 32, 34, 35, 41, 46, 57, 61–64, 152, 278
 - Protocol on Water and Health, 108, 117
 - vs punitive measures, 141
 - Rotterdam Convention, 64
 - as 'sanction', 414
 - submission procedures, 104, 107
 - unsuitability in state-to-state procedures, 141
 - Water Convention, 65, 68, 107, 110, 115
- Facility-Specific Rapid Response Labor Mechanism, 182
- fact-finding
- as aid to negotiations, 440
 - and Bystroe Canal Project, 88

- contribution to global governance, 439
- and International Atomic Energy Agency, 434
- and Iranian nuclear programme, 439
- and JCPOA Joint Commission, 422
- as tool to incentivise compliance with international law, 440
- and UNESCO protection of cultural property, 463
- UN missions, 135
- and UNSC 1737 Committee, 427, 433
- and Water Convention, 116
- and World Bank dispute resolution, 188, 201
- and WTO dispute settlement panels, 162
- Financial Action Task Force, 404–9
 - enforcement tools and consequences, 405
 - review process
 - money laundering, 405, 409
 - terrorist financing, 405, 409
- Gabčíkovo–Nagymaros Project. *See* International Court of Justice
- German Constitutional Court, 296
- Global Health Threats Council, 28
- Global Network for Human Rights and the Environment, 278
- Global Preparedness Monitoring Board, 23
- global public goods, 7
- Goote, Maas, 270
- Group of Experts on Action against Trafficking in Human Beings, 337, 351, 399, 401, 402, 415–16
- Hague Convention (1954), 453–54
 - as basis for Cambodia's Preah Vihear Temple claims, 446
 - conciliation (Art. 22), 455–58
 - UNESCO assistance (Art. 23), 459–61
 - UNESCO assistance for compliance with, 469
- Hathaway, Oona, 314, 331
- incentives
 - characteristic of management model, 184
 - in international human rights regimes, 302
 - as part of non-compliance procedure, 150
 - as part of political compliance processes, 424
 - role in promotion of compliance, 414
- Inter-American Commission on Human Rights, 279, 280
 - cases
 - Arctic Athabaskan Peoples, 374
 - José Pereira, 345, 349
 - environmental case law, 280
 - NGO complaints to, 281
 - Inter-American Court of Human Rights, 263, 279
 - advisory opinion on environment and human rights, 263, 269, 374, 376, 379, 381
 - cases
 - Kaliña and Lokono Peoples, 280
 - Kawas Fernández, 379
 - Lhaka Honhat Association, 263
 - Mayagna (Sumo) Awas Tingni Community, 280
 - Saramaka People, 280
 - Trabalhadores Fazenda Brasil Verde, 347–48, 349
 - environmental case law, 280
 - and environmental disputes, 362, 379
 - jurisdiction of, 282
 - non-compliance function of, 280
 - weakness of compliance mechanisms, 281
- inter-American human rights system
 - access to, 281
 - monitoring and accountability function, 263
- International Atomic Energy Agency
 - as nuclear non-compliance mechanism, 421
 - ineffectiveness of, 423
 - for Iranian nuclear policy, 426, 430, 431, 432, 434, 439–40, 441

- International Centre for Settlement of Investment Disputes (ICSID), 480
- International Convention for the Regulation of Whaling, 156
- International Court of Justice
 advisory opinion on climate change, 42 cases
 Aerial Incident of 3 July 1988, 434
 Ahmadou Sadio Diallo, 116, 380
 Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights, 229, 435
 Application of the International Convention on the Elimination of All Forms of Racial Discrimination, 128, 380
 Certain Activities Carried Out by Nicaragua in the Border Area, 59, 94, 143, 362
 Certain Iranian Assets, 435
 Delimitation of the Continental Shelf between Nicaragua and Colombia, 148, 163
 Dispute over the Status and Use of the Waters of the Silala, 114
 Effects of Awards of Compensation, 192
 Gabčíkovo-Nagymaros Project, 71, 72–81, 92–93, 114
 Judgment No. 2867 of the Administrative Tribunal of the International Labour Organization, 380
 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 380
 Maritime Delimitation in the Indian Ocean, 164
 Oil Platforms, 434
 Questions Relating to the Obligation to Prosecute or Extradite, 380
 Temple of Preah Vihear, 445–52, 464, 467–70
 Whaling in the Antarctic, 79, 147, 148, 159–62, 362
 consultation of experts by, 167
 and environmental disputes, 58
 and Iran/US disputes, 422
 jurisdiction of, 158, 422
 and monetary issues, 228–30
 and multilateral environmental agreements, 130
 transparency before, 139
- international courts and tribunals
 advisory opinions, 99
 compared to compliance committees, 141, 142
 compared to IMF surveillance, 236
 contribution to clarification of international law, 42
 differentiation from non-compliance mechanisms, 8
 effectiveness of no recourse to, 434
 and environmental disputes, 59
 and global monetary governance, 227
 and international economic disputes, 227–30
 and inter-state disputes, 135, 139
 and Iranian nuclear crisis, 422–37
 nuclear disarmament proceedings before, 420
 overlap with quasi-judicial non-compliance mechanisms, 5
 and state responsibility, 41–44
- International Covenant on Civil and Political Rights
 compliance with, 317–19
 monitoring under, 10
- international criminal law
 complexity of, 386
 compliance with, 412–19
 definition of, 386–87
 development of, 386
 money laundering, 387, 389, 394, 396, 404
 monitoring mechanisms in, 385–86, 388–89
 soft power mechanisms, 386, 411
 terrorist financing, 389, 404
 treaty compliance monitoring, 390

- universal suppression conventions, 389–95
 - monitoring of implementation and compliance, 395
- international environmental law
 - compliance requirements, 270
 - courts' unease with, 59
 - evolution of non-compliance procedures in, 403
 - Gabčíkovo–Nagymaros judgment as step in evolution of, 92
 - general principles of, 78, 80, 87
 - goal of, 365
 - human rights treaty bodies and, 363, 365, 368
 - inclusivity in implementation of, 278
 - legitimacy in, 52
 - non-compliance mechanisms in, 3, 5, 44
 - principles of, 365
 - right to a healthy environment, 264
 - Escazú Agreement, 266, 268–69, 283, 284
 - Latin America and Caribbean, 262–64, 267
 - proposed protocol to European Convention on Human Rights, 364
 - recognition by UN Human Rights Council and General Assembly, 264
 - suitability of non-compliance mechanisms to, 60, 71
 - sustainable development, 77
 - use in international environmental disputes, 95
 - use of regional non-compliance mechanisms, 264
- International Health Regulations (2005)
 - background to, 18
 - core capacity provisions of, 18–19
 - reporting processes under, 19–21
 - Review Committee on the Functioning of, 19, 21, 24–25
- See also* international pandemic law; pandemic preparedness; World Health Organization
- international human rights law
 - compared to international environmental law, 365
 - environmentalisation of, 361, 362–65
 - failure to protect against effect of climate change as violation of, 377
 - impact of Committee on the Rights of the Child decision on, 376
- International Law Commission
 - protection of atmosphere, 65
 - protectoin of atmosphere
 - compliance approach favoured by Special Rapporteur, 66
 - state responsibility, 75
- International Monetary Fund
 - compliance mechanisms, 230
 - amendment of Articles of Agreement, 231
 - forced withdrawal, 230
 - suspension of financial/political rights, 231
 - Financial Sector Assessment Programs, 27, 235, 407
 - jurisdictional overlap with World Bank, 235
 - non-compliance mechanisms
 - interpretation of Articles of Agreement, 232–33
 - surveillance, 217–27, 233–36
- international monetary law, 218, 220
 - and International Court of Justice, 228
- International Narcotics Control Board, 393, 419
- international pandemic law
 - compliance needs of, 28
 - factors to be introduced into compliance procedures, 46
 - need for improved compliance with, 22
 - potential for advisory procedure in, 119
 - relevance of Paris Agreement's compliance machinery, 17, 30–37, 41, 46
 - value of facilitative compliance processes to, 17
- See also* pandemic preparedness; World Health Organization

- International Treaty on Plant Genetic Resources for Food and Agriculture, 149
- International Tribunal for the Law of the Sea
- accessibility of pleadings, 139
 - advisory opinions
 - BBNJ Agreement's proposed provision on, 118
 - request of 12 December 2022, 42, 362, 370
 - cases
 - Bangladesh/Myanmar, 147, 148, 164–66
 - Ghana/Côte d'Ivoire, 143, 158, 166
 - Mauritius/Maldives, 99, 116
 - dispute settlement option under UNCLOS, 147
 - and environmental disputes, 58
 - See also* UNCLOS
- International Whaling Commission, 147, 156
- infractions subcommittee, 147
- Iran Nuclear Deal, 420, 422, 427, 432
- EU court cases related to, 425
 - fact-finding mechanism, 440
 - silence on human rights sanctions, 437
 - See also* Joint Comprehensive Plan of Action; UN Security Council, 1737 Committee
- Joint Comprehensive Plan of Action, 420, 423, 428
- effectiveness of non-compliance mechanisms, 437
 - Iranian compliance with, 431, 432, 440
 - Joint Commission, 421–23, 429–32, 437
 - significance as global governance model, 441
 - role of international courts and tribunals, 438
 - US stance, 423, 425, 440
 - viability of non-compliance mechanism, 434
 - See also* Iran Nuclear Deal
- joint external evaluation, 20, 24, 25
 - judicial dispute settlement, 145
 - coexistence alongside non-compliance mechanisms, 158
 - compliance committees as
 - alternative to, 102, 121
 - confrontational nature of, 145
 - limits of, 79
 - non-compliance mechanisms as
 - alternative to, 481
 - non-compliance procedures as
 - complement to, 18, 43
 - treaty clauses providing for, 157, 158
- Kiev Protocol, 149
- Klabbers, Jan, 143
- Koskenniemi, Martii, 44
- Kyoto Protocol, 4, 17, 149
- advisory procedure, 109
 - Facilitative Branch, 133–34
 - non-compliance mechanism, 49, 56, 103
 - state-to-state procedure under, 126
- Law of the Sea Convention. *See* UNCLOS
- legal mobilization
- through Bern Convention, 240, 244, 246, 253
 - Bern Convention and EU Commission opportunities compared, 250, 254–61
 - conceptual approaches, 240, 241
 - Emilio Lehoucq and Whitney Taylor on, 241
 - and EU environmental law, 239
 - through European Commission infringement system, 247, 251, 252
 - and European Court of Justice, 247
 - Frances Zemans on, 241
 - meaning of, 240, 241
- legitimacy, 50
- Bodansky on, 51–52
 - consent-based, 51
 - and legality, 52
 - procedure-based, 51
 - results-based, 52

- soft measures as element of, 69
- source-based, 51
- Wolfrum on, 50, 52
- meetings of the parties (MOPs), 53–56
 - adoption of sanctions by, 100
 - facilitative approach of, 70
 - powers of, 54–56
 - procedure-based legitimacy of, 70
 - role in non-compliance procedures, 53
 - under Water Convention, 106, 107
 - See also* conferences of the parties (COPs)
- Milano, Valentina, 338
- Minamata Convention, 4
 - implementation and compliance committee, 33, 103, 151
- monitoring
 - aid to compliance committees, 104
 - of anti-trafficking efforts, 335, 351
 - in Bystroe Canal case, 72, 86, 90–91, 93
 - in Cijevna/Cem River advisory procedure, 65, 112–13
 - compared to judicial proceedings, 385, 412
 - of compliance with European Court of Human Rights judgments, 288, 302
 - of compliance with treaty body views, 299
 - conditions required for, 24
 - definition of, 385
 - element of non-compliance procedures, 60
 - evolution in international criminal law, 388, 391
 - horizontal, 401, 418
 - by Human Rights Committee, 303, 317
 - IMF surveillance, 218, 222, 235
 - of implementation of criminal law treaties, 390
 - African Union Advisory Board on Corruption, 400
 - Committee against Torture, 394, 395
 - facilitative approach, 411
 - Group of Experts on Action against Trafficking in Human Beings, 399, 402
 - Group of Experts on Action against Violence against Women and Domestic Violence, 400
 - Group of States against Corruption, 403, 416
 - International Narcotics Control Board, 393–94
 - intra- and interorganisational cooperation, 419
 - Lanzarote Committee, 397, 400
 - phases of, 418
 - sanctioning powers, 419
 - of implementation of human rights treaties, 363, 367
 - Committee against Torture, 303
 - International Covenant on Civil and Political Rights, 332
 - of implementation of multilateral environmental agreements, 100, 103
 - Aarhus Convention, 87
 - Bern Convention, 256–57, 260
 - by compliance committees, 122
 - Esposo Convention, 86–87
 - of implementation of regional criminal law treaties, 396, 399
 - NGO and civil society participation, 403
 - by Inter-American Commission on Human Rights, 279
 - in inter-American human rights system, 263
 - and International Health Regulations, 19, 20
 - under international human rights regime, 287, 294, 311, 333
 - and Iranian nuclear programme, 422, 439
 - of money laundering, 394, 401
 - NGO support for, 90
 - non-judicial, 301
 - for nuclear non-proliferation compliance, 432, 440

- monitoring (cont.)
 and pandemic preparedness, 24
 paucity in international criminal law, 385
 phased process of, 402, 417, 418
 shared ownership of, 411
 as soft power mechanism, 412
 of treaty implementation, 388
 under universal suppression conventions, 395
 vertical, 401, 418
 and World Bank Dispute Resolution Services, 209–11
See also Financial Action Task Force; Global Preparedness Monitoring Board; peer review
- Montreal Protocol, 3, 16, 50, 58, 70
 contemporary practice of non-compliance procedure, 68
 Implementation Committee, 103, 136, 138
 Meeting of the Parties under, 69
 non-compliance procedure, 49, 61, 150
 non-compliance provision (Art. 8), 58, 102
 transparency of non-compliance procedure, 67, 140
- multilateral environmental agreements
 advisory function of non-compliance mechanisms in, 100, 108
 communal obligations under, 131–32
 compliance/implementation committees under, 34, 100, 101–5, 276
 new generation of, 5, 16
 emphasis on practical facilitation of compliance, 17
 non-compliance procedures
 compared to human rights treaty bodies, 361, 368, 370, 371, 373, 375
 relevance to UNCLOS, 480
 relevance of advisory procedure to, 116–19
- non-compliance procedures
 advisory procedure, 104
 conciliatory function, 120
 non-inquisitorial nature, 120
 value of tailored technical advice, 120
 and water diplomacy, 114–16
 in Bystroe Canal case, 72, 81–95
 complementary to judicial procedures, 143
 decisions from, 57
 establishment of, 58
 evolution, 64, 70, 404
 facilitative, 70
 independence from dispute settlement processes, 115
 Koskenniemi on state responsibility and, 44
 under Montreal Protocol, 61, 67
 nature of, 56
 new generation of
 facilitation bodies, 50, 70
 legitimacy of, 50
 nomenclature, 70
 soft approach of, 66
 and multilateral environmental agreements, 56
 overview, 105
 under Paris Agreement, 61–64
 potentiality for use under UNCLOS, 481–84
 public participation, 274
 soft approach to addressing compliance issues, 143
 and state responsibility, 44
 submission procedure, 104
 under Water Convention, 106
 suitability to environmental non-compliance, 60
 suitability to regional vs universal treaties, 395
 transparency, 140
 triggering of, 101, 104, 121
- non-governmental organisation(s)
 assistance with dispute resolution processes, 204
 as complainants before human rights courts, 362
 as compliance committee triggers, 121, 124
 and environmental protection, 263

- exclusion as complainants at
 - European Court of Human Rights, 267, 272
- as guardians of biodiversity, 240, 241
- involvement in anti-trafficking efforts, 341, 343, 350, 351
- involvement in Bern Convention complaints system, 242–43, 248, 250, 254–58, 261
- involvement in non-compliance mechanisms, 89, 93
- involvement in UN human rights treaty bodies, 368
- limited role before International Court of Justice, 79
- participation in EU Commission complaints system, 251
- participation in inter-American human rights system, 281
- participation in monitoring processes of criminal law conventions, 403
- as requesters of advisory opinions, 116
- See also* Birdlife International
- OECD Anti-Bribery Convention, 416
- OECD Anti-Bribery Recommendation (2021), 402
- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 398
- OECD Working Group on Bribery in International Business Transactions, 400, 417
- Organization of American States, 395
 - environmental protection role of, 280
 - human rights protection, 279
- OSPAR Commission, 154
- pandemic preparedness
 - accountability mechanisms, 26
 - development of non-compliance machinery, 18
 - inadequacy of, 26
 - lessons from COVID-19, 21, 22, 25
 - proposal of convention on, 23
 - See also* International Health Regulations (2005); international pandemic law; World Health Organization
- Paris Agreement, 4, 149
 - compliance system, 30–35, 68
 - emphasis on reporting obligations, 36
 - Enhanced Transparency Framework, 31
 - facilitative approach to compliance, 16, 69
 - Global Stocktake, 31, 34
 - Implementation and Compliance Committee, 30, 32–34, 35, 36, 277
 - impartiality, 124
 - non-compliance procedure, 49
- peer review, 416–17
 - Convention against Corruption, 391
 - Convention against Transnational Organized Crime, 392
 - Financial Action Task Force, 404
 - pandemic preparedness, 27
 - suppression conventions' reliance on, 415
- Permanent Court of Arbitration. *See* *South China Sea Arbitration*
- Permanent Court of International Justice
 - Case Concerning the Factory at Chorzow, 60
 - Case Concerning the Payment of Various Serbian Loans Issued in France, 228
 - Case of the S.S. 'Lotus', 451
 - Territorial Jurisdiction of the International Commission of the River Oder, 79
- plastic pollution treaty, 7, 16, 48, 120
 - potential for advisory procedure, 118
- Protocol on Pollutant Release and Transfer Registers. *See* *Kiev Protocol*
- Protocol on Substances that Deplete the Ozone Layer. *See* *Montreal Protocol*

- Protocol on Water and Health, 149
 consultation process, 108, 109, 117
 public participation in non-compliance procedure, 102, 107
- Raustiala, Kal, 301
- Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.
See Escazú Agreement
- reporting obligations
 under drug trafficking treaties, 393, 395
 and environmental non-compliance, 60
 as facilitative measures, 141
 hindrances to, 415
 under human rights regimes, 287
 under International Covenant on Civil and Political Rights, 317, 321, 332
 UK compliance with, 322, 324, 330
 under International Health Regulations, 19–21, 35
 under Kyoto Protocol, 56
 under multilateral environmental agreements, 103, 123
 under Paris Agreement, 31, 33, 41, 57
 streamlining under criminal law treaties, 419
 under UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 395
- reports
 on anti-corruption efforts, 401, 403, 405, 408, 415, 416, 417, 418
 on anti-trafficking efforts, 337, 339, 348, 353, 359, 399
 under Bern Convention, 253, 255–60
 of Committee against Torture, 305
 under Convention on Biological Diversity, 155
 in dispute settlement, 184
 and environmental human rights, 366
 on environmental human rights, 367–69, 370, 371, 372, 382
 in environmental non-compliance procedures, 54, 103
 under Escazú Agreement, 274, 275
 of Human Rights Committee, 305
 of Independent Evaluation Office (IMF), 235
 in inter-American human rights system, 280
 under International Covenant on Civil and Political Rights, 317, 331
 of International Monetary Fund, 221, 226
 on Iranian nuclear programme, 427, 439, 440
 under Kyoto Protocol, 133
 and pandemic preparedness, 27
 under Paris Agreement, 31, 34
 of scientific bodies, 155, 165
 to treaty bodies, 299
 of UN Special Rapporteurs, 359
 under Water Convention, 107, 110
 of World Bank Grievance Redress Service, 197
 of WTO Dispute Settlement Body, 184, 478
- review mechanisms
 Financial Action Task Force, 404
 non-confrontational character of, 145
 OECD Working Group on Bribery, 417
 regional vs universal treaties, 418
 UN Convention against Corruption, 388, 391, 392, 417
 UN Convention against Transnational Organized Crime, 388, 392, 418
- Rotterdam Convention, 4
 facilitative approach to compliance, 16, 69
 non-compliance procedure, 49
 state-to-state trigger in, 123

- sanctions
- characteristic of enforcement model, 184
 - under Escazú Agreement, 267
 - FATF's 'soft sanctions', 408
 - as feature of rationalist approach to compliance, 40
 - in IMF dispute settlement, 230
 - and international criminal law, 412, 414, 419
 - in international criminal law, 410
 - in international human rights regimes, 302
 - in Iranian nuclear context, 422, 423–24, 427–28, 429, 430, 432, 435–37, 441
 - and multilateral environmental agreements, 100
 - as non-compliance mechanism, 438
 - and non-compliance procedures, 115, 150
 - omission from new generation multilateral environmental agreements, 17
 - and Paris Agreement compliance committee, 35, 62, 68
 - as political measures, 421, 438
 - reputational effects as form of, 226
 - stigmatization effect of, 101
 - and trade dispute settlement, 185
 - See also* UN Security Council, 1737 Committee
- scientific committee(s), 146–48, 153–57
- under CITES, 155
 - of Commission for the Conservation of Southern Bluefin Tuna, 154
 - and International Court of Justice, 159–62
 - of International Whaling Commission, 146, 153, 156
 - perceived bias of, 157
 - role in treaty compliance, 167
 - See also* UNCLOS, Commission on the Limits of the Continental Shelf
- self-reporting, 415, 483
- simulation exercise, 20, 24
- Single Convention on Narcotic Drugs, 393, 419
- South China Sea Arbitration, 471–88
- cooperative compliance with award, 484–88
 - non-compliance procedures as aid to enforcement, 481–84
- Southern Bluefin Tuna Convention
- dispute resolution, 158
- state-to-state compliance procedures
- communal objective of, 131
 - expertise, 135–37
 - procedural principles, 132
 - evidence, 134–35
 - impartiality and independence, 137–38
 - jurisdiction, 132–34
 - outcomes, 140–42
 - participation and transparency, 138–40
- state-to-state triggers
- under Aarhus Convention, 122, 125
 - background to, 123–25
 - challenges faced by, 122
 - under Espoo Convention, 126
 - evidence requirements, 134–35
 - under Kyoto Protocol, 126
 - limited use of, 127–42
 - objective of, 122
 - positioning among existing procedures, 143
 - proof of involvement/interest, 134
 - states' perceptions of, 127–30
 - tensions over, 123–25
 - before UN human rights treaty bodies, 126
 - use between neighbouring states, 134
- Stockholm Convention
- lack of transparency, 139
 - non-compliance procedures (Art. 17), 371
- surveillance
- IMF non-compliance mechanism, 217
 - alternatives to, 227–33
 - development of, 233–35
 - legal basis, 221–22
 - legal features characterising, 225–27
 - overview, 217–20

- surveillance (cont.)
 procedural framework, 235–36
 process, 224–25
 scope, 222–24
 and pandemic preparedness, 26
 requirement of International Health Regulations, 18
- Technical Committee on Cultural Heritage, 470
- Teitgen, Pierre-Henri, 288
- trade agreement compliance
 behind-the-border schemes
 assessment, 182–83
 contribution to compliance theory, 183–85
 practical issues raised by, 179–81
 transformative power of, 181–82
 enforcement vs compliance, 173–74
 innovations, 172
 United States–Mexico–Canada Agreement, 174–76
 United States–Peru Trade Promotion Agreement, 177
- shifts in, 177
- trade-plus, 174–78, 181–82, 185
- trafficking in persons
 Argentina, 342–46
 case of Marita Verón, 343
 case of Montoya, 343
 Committee on Economic, Social and Cultural Rights
 recommendations on, 345
 Committee on the Elimination of Discrimination against Women
 observations on, 344
 Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
 recommendations on, 345
 influence of judicial cases, 342
 UN Special Procedures on, 344, 345
- Brazil, 346–49
 Committee on the Rights of the Child
 observations on, 348
José Pereira v Brazil, 347
Trabalhadores da Fazenda Brasil Verde v Brazil, 347
- Cyprus, 349–52
Rantsev v Cyprus and Russia, 350
 UN Special Procedures on, 351
 domestic court decisions on, 337, 358
 European Court of Human Rights
 judgments on, 335
 human rights treaty bodies and, 358
 Inter-American Court of Human Rights
 judgments on, 336
 NGO pressure, 341
 regional court decisions on, 338, 358
 sociocultural factors influencing decisions on, 340
 soft pressure as compliance mechanism, 359
 UN Special Rapporteur
 communications on, 335, 339, 359
 and UN treaty bodies, 335
 United Kingdom, 352–58
CN v United Kingdom, 353
 domestic court decisions, 355
 UN Special Procedures on, 356, 357
See also Council of Europe,
 Convention on Action against Trafficking in Human Beings
- treaty bodies
 under CITES, 155
 under Convention on Biological Diversity, 155
 committees of the parties as, 55
 and human trafficking, 335, 344
 on Argentina, 345
 on Brazil, 348
 on Cyprus, 351
 effect of recommendations by, 345
 individual communications to, 335
 proactive nature of, 359
 on United Kingdom, 344
 in human rights field, 126, 288, 289, 293, 333, 366, 368, 394
 action against climate change, 364, 372–73

- climate complaints before, 374–78
 compared to European Court of Human Rights, 302, 307, 309, 310
 compliance mechanisms for environmental protection, 361, 363, 365, 366, 368, 382
 compliance with views of, 299–300, 302, 310, 319
 courts' references to documents of, 379–81
 development of environmental rights by, 371
 effect of pronouncements by, 295, 296
 environmental complaints before, 370
 follow-up procedure, 368
 importance of judicial oversight, 330
 independence of, 371
 monitoring by, 367
 soft law documents, 379
 state-to-state complaints before, 369
 as implementation and compliance facilitators, 3
 in international criminal law field, 385
 facilitative approach of, 411
 monitoring of suppression conventions by, 395
 monitoring under regional conventions, 402
 under multilateral environmental agreements, 58
 processes employed under, 6
 quasi-judicial, 418
 relationship with international courts and tribunals, 157, 159
 role in *Bystroe Canal* case, 90
 treaty parties' cooperation with, 101
See scientific committee(s)
- Treaty of the High Seas. *See* BBNJ Agreement
- Ulfstein, Geir, 56
- UN (Palermo) Protocol to Prevent, Suppress and Punish Trafficking in Persons, 334, 342, 346–47, 350, 356, 389
- UN Charter
 and International Monetary Fund, 229
 peaceful settlement of disputes (Art. 33), 58, 127
- UN Convention against Corruption, 388, 419
 Implementation Review Group, 391
- UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 393, 394
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 394
- UN Convention against Transnational Organized Crime, 389, 392
- UN Development Programme, 213
- UN Environment Assembly, 118
- UN Environment Programme
 on compliance, 101
 on implementation, 101
- UN Framework Convention on Climate Change. *See* Kyoto Protocol; Paris Agreement
- UN Human Rights Committee, 289, 317
- cases
Daniel Billy and Others v Australia, 378
Ioane Teitiota v New Zealand, 374–75, 379
Lilian Celiberti de Casariego v Uruguay, 381
Mabel Pereira Montero v Uruguay, 381
Portillo Cáceres et al. v Paraguay, 370, 379
- compliance with views of, 302–3, 305–7, 309, 320
- enforceability of views of, 319
 and environmental protection, 364
 UN Independent Expert report on, 370
- General Comments of, 319
 No. 36 (Art. 6 ICCPR), 372
- individual communications to, 292, 318, 378

- UN Human Rights Committee (cont.)
 Inter-American Court of Human Rights' references to, 381
 legal status of views of, 295
 states parties' reports to, 317
 United Kingdom's relations with, 321–25, 330
- UN Human Rights Council, 264, 268, 364
- UN Office on Drugs and Crime, 392
- UN peacekeeping forces, 469
- UN Protocol against Illicit Manufacturing of and Trafficking in Firearms, 389
- UN Protocol against Smuggling of Migrants by Land, Sea and Air, 389
- UN Security Council
 1737 Committee, 421, 423, 433, 438, 439, 441
 effectiveness, 434
 Panel of Experts, 427, 438
 protection of Temple of Preah Vihear, 446, 465, 469
- UN Special Commission, 433
- UN Special Procedures, 339, 359
 Special Rapporteur on contemporary forms of slavery, 348, 356
 Special Rapporteur on promotion and protection of human rights and fundamental freedoms while combatting terrorism, 357
 Special Rapporteur on promotion and protection of human rights in context of climate change, 364
 Special Rapporteur on sale and sexual exploitation of children, 357
 Special Rapporteur on trafficking in persons, 334, 335, 340, 344, 345, 351, 359
- UNCLOS
 Annex VII arbitration, 473
 Commission on the Limits of the Continental Shelf, 147, 162–67
 conciliation under, 472, 488
 dispute settlement under, 158, 473, 479, 480, 481
 compared to WTO dispute settlement, 479
- investor-state arbitration compared to arbitration under, 480
 lack of enforcement mechanism, 472, 478
 marine environment protection obligations, 478, 481, 483
 need for non-compliance procedure, 480
 See also International Tribunal for the Law of the Sea
 and *South China Sea Arbitration*, 472–84
 and Southern Bluefin Tuna Convention, 158
- UNESCO
 assistance in protection of cultural property, 454, 459–61, 468
 involvement in MINUSMA, 469
 Man and the Biosphere Programme, 82, 88
 Preah Vihear Temple, 446–47, 452–53, 462–65, 466, 469
- United Kingdom
 and European Convention on Human Rights, 315–16, 327–29, 332
 Human Rights Act, 321–24, 327–30
 impact of European Court of Human Rights judgments in, 327, 329, 330
 and International Covenant on Civil and Political Rights, 315–16, 320–25, 330, 332
 Supreme Court, 330
 universal periodic review mechanism in health domain, 24, 29, 35
 in human rights domain, 25, 300, 368
- Water Convention, 4, 83, 105
 advisory procedure, 100, 108, 109–11
 Cijevna/Cem River, 111–13
 conclusions on, 120
 contribution to water diplomacy, 114–16
 financial, technical or legal support, 116–17
 potential utility for other multilateral treaties, 119

- facilitative approach to compliance, 16
- implementation committee, 64, 67, 106–7
- non-compliance procedure, 5, 50, 65
- public participation in non-compliance procedure, 102
- Wolfrum, Rüdiger, 50–53
- World Bank
 - accountability mechanism, 189–91, 193, 197, 205
 - Compliance Advisor Ombudsman, 204
 - Dispute Resolution Services, 200–2
 - accessibility, effectiveness and independence of remedies, 202–16
 - Financial Sector Assessment Programs, 27, 235, 407
 - Grievance Redress Service, 197–200
 - Inspection Panel, 188, 193–97
 - jurisdictional overlap with International Monetary Fund, 235
 - rule of law indicator, 308
- World Health Organization
 - Independent Oversight and Advisory Committee, 23, 25
 - Independent Panel for Pandemic Preparedness and Response (IPPR), 23, 25–27
 - Working Group on Strengthening WHO Preparedness and Response to Health Emergencies (WGPR), 23
- World Health Assembly
 - intergovernmental negotiating body, 23
 - Resolution WHA73.1, 25
- See also* International Health Regulations (2005); international pandemic law; pandemic preparedness
- World Trade Organization, 215
 - dispute settlement, 139, 162, 215, 478–79
 - and environmental disputes, 58
 - and monetary disputes, 229
 - Trade Policy Review Mechanism, 29

