

Implementation, Compliance, and Reporting:

Key Elements to Consider in the Context of a Treaty to End Plastic Pollution

Introduction

Treaties, including multilateral environmental agreements (MEAs), provide obligations for States to undertake either individual or joint action to implement international legal instruments.

Implementation refers to the process by which countries establish national laws and policies that reflect their treaty obligations.ⁱ Implementation provisions in treaties are designed to ensure the effectiveness of the treaty and generally require the adoption of national measures to fulfill the obligations laid out in a treaty instrument (e.g., regulation and procedural and economic measures), as well as the creation of compliance procedures for the Parties to collectively ensure progress on implementation.

While implementation measures encompass a large range of topics, including national implementation plans (NIPs) or national action plans (NAPs),ⁱⁱ periodic assessments, technology transfer, and finance, this brief will focus on compliance provisions and mechanisms, as well as national reporting. This focus derives from the mandate for the negotiations of the international legally binding instrument to end plastic pollution, including in the marine environment (plastics treaty) in the United Nations Environment Assembly (UNEA) resolution 5/14ⁱⁱⁱ and builds on State positions articulated before and during the first two sessions of the Intergovernmental Negotiating Committee (INC) and the Zero Draft,^{iv} which have included possible formulations of text for compliance and reporting.

UNEA resolution 5/14, along with the UN Environment Programme's options paper, Potential options for elements towards an international legally binding instrument, proposed the inclusion of provisions on national reporting and compliance.^v Many State submissions prior to and after the second session of the INC mentioned implementation and compliance, including the need for determination of and action in cases of non-compliance.^{vi} More broadly, during INC-2, many States mentioned the need to have implementation measures.^{vii} The Zero Draft includes text on implementation and compliance, as well as reporting.^{viii}

This brief outlines compliance provisions and mechanisms in other MEAs and provides a list of key recommendations to inform the negotiation of a plastics treaty, noting that negotiators should consider compliance in the development of substantive obligations, national plans, and reporting. The brief notes key aspects of national reporting, building on lessons learned from existing MEAs to inform the negotiations and the future implementation of the plastics treaty. The brief concludes that including a clear mandate for implementation and compliance mechanisms in the treaty text is essential, in addition to the early creation of an Implementation and Compliance Committee.

Compliance Procedures and Mechanisms in MEAs

States are responsible for complying with their obligations under international treaties to which they are party.^{ix} Complying with such obligations requires national implementation measures and monitoring, with these efforts then being reported to the appropriate treaty body.^x The text of the treaty itself also needs to include clear and binding obligations so that Parties can effectively implement the treaty at the national level and report on progress. At times, Parties to a treaty may individually or collectively not meet implementation measures by agreed timelines or act in ways contrary to the requirements of the treaty. As a result, MEAs typically include both implementation and compliance provisions in the operative part of the text. The design of the implementation and compliance measures has different implications and, accordingly, requires special attention to ensure that the future plastics treaty acknowledges the multifaceted nature of plastic pollution and establishes clear procedures to ensure both implementation and compliance.

In designing a compliance regime for a new treaty, it is useful to review compliance provisions both in the treaty and frameworks subsequently developed in other MEAs in the following areas: compliance approach, scope of consideration, compliance body, triggering mechanisms, and non-compliance response measures. Not all of these compliance provisions will have to be included in the text of the treaty, with detailed provisions more likely to be located in governing body decisions or the rules of procedure for subsidiary bodies. Therefore, after finalizing the treaty text, additional compliance provisions and procedures will need to be developed to address gaps. It is, however, essential that the text of the plastics treaty provide a mandate for future governing body decisions to elaborate both the

determination of non-compliance and non-compliance response measures, as well as timelines for the development and approval of an initial framework at the governing body’s first meeting. If non-compliance provisions are not approved by the governing body expeditiously, the treaty will be operating without compliance provisions, potentially delaying treaty implementation and efficiency.

Compliance Approach

Treaties generally rely primarily on a facilitative approach to compliance, with the option of punitive measures in specific cases of non-compliance. A number of country submissions and statements during the INC process have been supportive of such an approach,^{xi} which is backed by evidence: “practice and the numerical data stemming from the MEA secretariats themselves show that the best results in terms of treaty compliance are achieved with a mix of both facilitative and punitive measures, and that having only one of the two available greatly decreases overall compliance.”^{xii}

Multilateral non-compliance procedures are included in most MEAs and designed “to identify Parties’ compliance difficulties and to facilitate better compliance in a non-adversarial manner.”^{xiii} As such, most treaties include provisions designed to assist countries in fulfilling their treaty commitments through dedicated implementation funding and capacity building. Many other treaties also include specific provisions to assist Parties in compliance proceedings, which are outlined in the section below on non-compliance response measures. Compliance mechanisms in most treaties focus mainly on providing solutions, guidance, and support with a view to facilitating compliance, while allowing for the possibility of other approaches to be developed by the governing body to address cases of persistent or deliberate non-compliance.^{xiv}

An open-ended facilitative approach can ultimately provide less support to Parties and can leave gaps where a treaty body might otherwise collaborate with and directly support a Party, if a range of concrete non-compliance response measures were available. As written in the Zero Draft, the mandate for the Implementation and Compliance Committee (ICC) (“shall examine both individual and systemic implementation and compliance issues and make recommendations to the *governing body*,”) is similar to that of the Minamata Convention.^{xv} Challenges have arisen with respect to the Minamata ICC mandate, however. The Minamata Convention requires that Parties not allow the manufacture, import, or export of cosmetics containing added mercury after 2020 — a requirement that has still not been met

by many of the Parties.^{xvi} The ICC noted in their 2023 report to COP5, based on national reports from 2021, that some Parties had not implemented the 2020 phase-out deadline for mercury in cosmetics.^{xvii} The Committee's proposed action was to invite Parties to share their strategy to address challenges, with milestones, a schedule, and "what kind of assistance they may still need," and for the ICC to continue monitoring at their next meeting. The Committee to the Conference of the Parties (COP) has made no concrete or proactive recommendations to support Parties to come into compliance. In contrast, the Africa Region, noting the fact that many countries have not met the 2020 phase-out deadline, has proposed an amendment for consideration at COP5 to modify the definition of the products in question for easier implementation, the phase-out date, and set out clear steps countries can take and seek funding to implement.^{xviii} The fact that the Committee has not made any recommendations for lack of compliance with a product ban that came into effect nearly four years ago, and a region is proposing a treaty amendment to improve implementation and compliance with a key treaty obligation demonstrates a significant shortcoming in the Minamata ICC mandate, rules of procedure, and timelines, which should not be replicated in the plastics treaty.

A preferred approach to treaty text on compliance would be to create a mandate for plastics treaty bodies to determine and address non-compliance, and to set forth a timeline for the governing body to develop and approve the non-compliance procedures at their first meeting. The Montreal Protocol provides an example of such treaty text: "Parties, at their first meeting, shall consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance."^{xix} Although the first Meeting of the Parties (MOP) did not approve those provisions, it did establish an open-ended ad hoc working group and adopted the first decision on non-compliance procedures at its fourth meeting in 1992.^{xx} Detailed compliance provisions, including both incentives and disincentives within the non-compliance response measures, were adopted several meetings later to clarify and streamline the process.^{xxi}

It is essential to have clear provisions in the treaty that establish the scope of implementation and compliance requirements; provide a mandate for the governing and subsidiary bodies to assess implementation, determine non-compliance, and take non-compliance response measures; and set a concrete timeline for the governing body to approve compliance procedures. A combined approach, both establishing an Implementation and Compliance Committee and giving the governing body the

mandate to create non-compliance procedures, is recommended for inclusion in the treaty text. As a result, the plastics treaty will have the basic structures and procedures in place and provide a mandate for the governing body to make decisions that respond to changing circumstances and compliance needs of the Parties.

Scope of Consideration

The scope of consideration in most treaties includes general issues of compliance and implementation, as well as compliance of individual Parties,^{xxii} and this scope is similarly recommended for the plastics treaty. It is important for treaty bodies to be able to assess general issues of compliance common to many Parties, incorporate that information into the periodic assessment, and make recommendations to adjust the treaty to more effectively reach objectives, as needed. Additionally, including the ability of treaty bodies to determine non-compliance of individual Parties can both work as a deterrent, as countries will seek to implement the treaty to avoid inclusion in compliance proceedings and as a tool to help non-compliant Parties come into compliance through a range of non-compliance response measures.

Compliance Committee

Subsidiary treaty bodies are often tasked with implementation and compliance issues. In some cases, the treaty establishes a sub-committee with the sole focus on implementation and compliance issues,^{xxiii} while in others, the committee may have a broader mandate that also encompasses coordinating other committees and overseeing finances.^{xxiv} In the plastics treaty, a dedicated Implementation and Compliance Committee is recommended, with Committee rules of procedure developed and approved by the governing body. The meeting of the governing body after a treaty enters into force generally occurs each year, and focuses on the creation of operating rules, structures, and national laws and policies to help treaty implementation. A compliance committee can provide a dedicated space to focus on implementation and compliance concurrent with the governing body.

Committee composition can be set in the treaty or a decision by the governing body, but the latter is preferable, as it allows for modifying the committee's size, geographic distribution, and length of members' terms to respond to changing circumstances without having to amend the treaty. The committees generally include a geographical representation of members that are elected for set terms,

and each treaty has different requirements for whether committee members must have scientific or technical expertise. The Montreal Protocol's Implementation Committee consists of ten Parties elected by the MOP, but no scientific or technical expertise is required.^{xxv} In contrast, the Basel Convention's Implementation and Compliance Committee includes fifteen members and is expert-based.^{xxvi} The Rotterdam Convention's Compliance Committee also consists of fifteen members with expertise in the subject matter of the Convention.^{xxvii}

The compliance committee should meet during or prior to the meeting of the governing body and may meet also between the governing body meetings, if needed. Parties, not members of the committee, should be entitled to participate in meetings of the compliance committee. Observers should also be able to participate in meetings of compliance committees. Under the Rotterdam and Stockholm Conventions, committee meetings are generally open to non-committee member Parties and the public under certain circumstances,^{xxviii} and both Parties and Observers can participate in meetings of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Standing Committee.^{xxix}

Forms of Activating the Compliance Mechanisms

The fact that a party may be non-compliant can be triggered in various ways, depending on the treaty.^{xxx} Clear procedures for the compliance committee to follow in evaluating submissions of non-compliance can address any concerns of frivolous claims. As such, it is important that the plastics treaty provides a broad range of options to initiate an assessment to determine non-compliance, including by a non-compliant Party, other Parties, the Secretariat, the Implementation and Compliance Committee, and the governing body. Often, the Secretariat may have information and an understanding of the implementation challenges of Parties, such that they are ideally positioned to identify where compliance proceedings are needed. The CITES Secretariat may, "in the light of information received," start an inquiry into compliance.^{xxxi} Non-compliant Parties, other Parties, the Standing Committee, the Animals Committee, and the Plants Committee may also raise issues of non-compliance.^{xxxii} Under the Basel Convention, a non-compliant Party, other Parties, and the Secretariat may each provide information to initiate compliance proceedings.^{xxxiii} In the Stockholm Convention, a non-compliant Party and other Parties may provide submissions to the Compliance Committee, which may also assess national

implementation plans and national reports for compliance.^{xxxiv} The Minamata ICC can consider issues on the basis of written submissions from any Party with respect to its own compliance, national reports, and requests from the COP.^{xxxv}

Non-compliance Response Measures

Treaties include a range of incentives and disincentives to employ in cases of non-compliance,^{xxxvi} which are not generally specified in the treaty itself but rather in subsequent decisions by the governing body. For example, a Resolution approved by the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) includes capacity building, in-country assistance, technical assessment, a verification mission, providing advice, and trade suspension, among others.^{xxxvii} Similarly, a Montreal Protocol MOP decision determined that the MOP can decide to provide assistance, including assistance for the collection and reporting of data; technical assistance; technology transfer and financial assistance; and information transfer and training; as well as issue cautions or suspend rights and benefits.^{xxxviii} Although it is not necessary to include the non-compliance response measures in the text of the plastics treaty, it is important to give treaty bodies a mandate to develop these measures in future decisions. The plastics treaty governing body should first establish incentives, such as technical and capacity-building assistance, technology transfer, and dedicated financial assistance for countries in the treaty's compliance procedures. The initial governing body decision on non-compliance should also include disincentives, such as the issuance of cautions and suspension of rights, benefits, and financial assistance. In future decisions, the governing body may wish to develop additional incentives and disincentives in response to better respond to specific instances of non-compliance.

National Reporting

Reporting is closely linked with implementation and is necessary for compliance, as it enables assessment of each country's progress related to treaty obligations. Also essential is the need for substantive requirements to be clear and binding so that Parties can effectively implement the treaty at the national level and report on progress. At INC-2, "[t]here was strong support for establishing national reporting

as a legal obligation under the instrument, with core elements to be defined in the instrument,” as well as recognition that some countries may need financial support for assessment and reporting.^{xxxix}

Generally, MEAs request two types of reports from Parties:

Report on legal obligations

Report on implementation, impacts, and challenges

The former is generally required more frequently, sometimes annually^{xi} or bi-annually,^{xii} and may be used as a basis to assess implementation and compliance. The latter report is an assessment of effectiveness at the national level towards the goals of the treaty and is less frequent, generally falling between two to five years. As these two reports have different purposes and frequencies, it is essential to specify and require both in the plastics treaty.

Reporting on Legal Obligations

Reporting on legal obligations includes measurable and quantifiable information directly linked to the treaty’s substantive provisions, such as permits, trading partners, and trade volumes for CITES-listed species.^{xlii}

Under the Basel Convention, annual reports include, among other things, amounts and types of hazardous waste exported or imported and the destination and disposal methods, information on competent authorities and focal points, transboundary movement of waste, efforts to achieve reductions in waste, available qualified statistics of effects on human health and the environment, agreements entered into, accidents, disposal options, and technology development.^{xliii}

The Montreal Protocol requires each Party to provide statistical data on its annual production of controlled substances and separately for each substance: amounts used for feedstocks, amount destroyed by technologies approved by the Parties, and imports from and exports to Parties and non-Parties; data on its annual emissions of controlled substances per facility; and statistical data about ozone-depleting substances, which the Secretariat uses to calculate each Party’s official ozone-depleting substances consumption and production figures.^{xliv}

Under the Minamata Treaty in the short report, basic information like the Party focal point is required, in addition to information on four key areas: if there are operational primary mercury mines, the total amount mined per year, whether stocks or mercury compounds have been inventoried, consent and documentation for any mercury exports, and amount and method of final disposal of mercury-containing wastes, if any.^{xlv}

The information related to legal obligations reported by Parties is often included directly on treaty websites, such as in the CITES trade database^{xlvi} and reports by country and year for the Basel Convention.^{xlvii} Country reports related to legal obligations provide timely information on compliance, and the plastics treaty should also make the reports publicly available on the treaty website.

Reporting on legal obligations is important to assess implementation, but many treaties have a very low percentage of Parties regularly submitting reports. In one response to this challenge, CITES created a compliance mechanism whereby if a Party fails, without explanation, to submit annual trade reports for three consecutive years, the Standing Committee may recommend a trade suspension until the missing reports are submitted.^{xlviii} Such an approach, linking reporting with compliance proceedings, is recommended if countries do not submit required reports.

Reporting on Implementation, Impacts, and Challenges

Reports on implementation, impacts, and challenges consider progress on the broader goals of the treaty and may also inform the formal monitoring of the progress on implementation of the treaty overall. As such, the future plastics treaty should include a reporting requirement for implementation, impacts, and challenges. Under CITES, Parties must report “on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.”^{xlix} This report was formerly known as the “biennial report,” but since 2015, it has been renamed the implementation report and Parties are now required to submit it before each Conference of the Parties, which is every three years.¹ For the Minamata Convention, Parties must submit a longer report consisting of responses to 147 questions every four years.^{li}

Some treaties have one report, including information on legal obligations and effectiveness, instead of separate reports on each subject. It can be challenging, however, to effectively monitor national implementation and compliance when reports are submitted at intervals of more than two years, and a combined report is not recommended for the plastics treaty. Under the Stockholm Convention, Parties are required to submit a national report every four years.^{liii} The report must contain information on the measures the party has taken to implement provisions of the Convention and the effectiveness of such measures in meeting the objectives of the Convention, including statistical data on its total quantities of production, import and export of each chemical, and trading partners.^{liii}

Conclusion and Recommendations

The inclusion of compliance procedures in the plastics treaty can support the implementation of binding obligations and progress towards shared goals. Treaty text should establish the initial framework for compliance, and provide the governing body with a broad mandate for future decisions to streamline compliance procedures and respond to identified challenges. Key elements to include are related to the compliance approach being primarily facilitative, but allowing for the development of non-compliance response measures; and the creation of an Implementation and Compliance Committee with a diverse range of trigger mechanisms so that non-compliance can be identified by a range of actors and sources, and acted upon expeditiously to ensure countries come into compliance as soon as possible. For reporting, two separate reports should be required from Parties, one more frequent on legal obligations and another, less frequent on broader issues of implementation, impacts, and challenges. Clear compliance and reporting frameworks in the plastics treaty are essential for the effective implementation and operation of the treaty.

The treaty text should include the following:

- Creation of binding and measurable targets for substantive provisions of the treaty,
- Clear mandate for treaty bodies to both determine non-compliance and take actions to address non-compliance,
- Creation of an Implementation and Compliance Committee, with initial composition set, but allowing subsequent modification by the governing body without needing to amend the treaty,

- Timeline for the governing body to develop and approve non-compliance procedures, and Rules of Procedure for the Implementation and Compliance Committee at the first or second meeting,
- Broad range of options for the Implementation and Compliance Committee to initiate compliance assessment, in a timely manner,
- Inclusion of all binding obligations in annual or bi-annual national reporting requirements, and publication of the reports on the treaty website,
- Report requirements related to implementation, impacts, and challenges, to be submitted every four or five years, and
- Inclusion of progress on binding obligations in the periodic assessment and monitoring of the progress.

Endnotes

- I. Natalia Escobar-Pemberthy and Maria Ivanova, "Implementation of Multilateral Environmental Agreements: Rationale and Design of the Environmental Conventions Index," *Sustainability* 12, no. 17 (August 2020): 7098. <https://doi.org/10.3390/su12177098>.
- II. For a more detailed overview of NIPs and NAPs, see CIEL, IUCN, WCEL, *National Implementation Plans and National Action Plans: Key Elements to Consider in the Context of a Treaty to End Plastic Pollution*, (August 2023), https://www.ciel.org/wp-content/uploads/2023/08/National-Implementation-Plans-and-National-Action-Plans-Key-Elements-to-Consider-in-the-Context-of-a-Treaty-to-End-Plastic-Pollution_August-2023.pdf.
- III. United Nations Environment Assembly of the United Nations, Resolution 5/14, End plastic pollution: towards an international legally binding instrument, UNEP/EA.5/Res.14, (Mar. 2, 2022), 13(f), 3(p).
- IV. United Nations Environment Programme, Zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.3/4, (September 4, 2023), Part IV(2) Implementation and compliance, Part IV(3) Reporting on progress.
- V. United Nations Environment Programme, Potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics as called for by United Nations Environment Assembly resolution 5/14, UNEP/PP/INC.2/4, (Apr. 13, 2023), 11 31-32.
- VI. See, e.g., Pre-session INC-2 Country Submissions by the European Union at 10, Norway at 9, China at 4, Brazil at 1, United Kingdom at 8, USA at 10, Malaysia at 2; INC-2 Written Statements by Japan, European Union, New Zealand, India, Norway, Brazil, Malaysia.
- VII. See, e.g., INC-2 Country Statements by Antigua and Barbuda, Argentina, Canada, Chile, Cuba, Iran, Jamaica, Mexico, Pacific Small Island Developing States, United Republic of Tanzania, Bolivarian Republic of Venezuela, and Joint Submission of Chile, the Cook Islands, Ecuador, the Federated States of Micronesia, Rwanda, Senegal and Uganda on Means of Implementation.
- VIII. UNEP/PP/INC.3/4, Part IV(2) Implementation and compliance, Part IV(3) Reporting on progress.
- IX. Article 26 of the Vienna Convention on the Law of Treaties (VCLT) refers to the principle of Pacta Sunt Servanda ("every treaty in force is binding upon the Parties to it and must be performed by them in good faith"). Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331.
- X. Timo Koivurova, *Introduction to International Environmental Law*, (Routledge, 2014), 18. Generally speaking, States may implement their international environmental obligations in three distinct phases. First, by adopting national implementing measures; second, by ensuring that national measures are complied with by those subject to their jurisdiction and control; and third, by fulfilling obligations to the relevant international organizations, such as reporting the measures taken to give effect to international obligations.
- XI. See, e.g., Pre-session INC-2 Country Submissions by Bosnia and Herzegovina at 4, Papua New Guinea at 2; INC-2 Statements made by Australia, Chile, European Union, India, Japan, Philippines; Post-INC-2 submissions Country Submissions by the European Union at 20, Japan at 20; Pre-session INC-3 Country Submission by the European Union at 11.
- XII. Nils Goeteyn and Frank Maes, "Compliance Mechanisms in Multilateral Environmental Agreements: An Effective Way to Improve Compliance?," *Chinese Journal of International Law*, 10 (2011): 791-826.
- XIII. United Nations Environment Programme, *Compliance Mechanisms Under Selected Multilateral Environmental Agreements*, December 2006, 11.
- XIV. For example, for more than two decades after CITES' entry into force, the requirement to submit annual reports remained largely unimplemented. At the 11th Conference of the Parties in 2000, the Parties adopted Resolution Conf. 11.17 on National Reports, which instructs the Standing Committee to determine which Parties have not submitted annual reports for three consecutive years, without adequate explanation, and recommends "that Parties not authorize trade in specimens of CITES-listed species with any Party that the Standing Committee has determined has failed, for three consecutive years and without having provided

adequate justification, to provide the annual reports." CITES, Resolution Conf. 11.17 (Rev. CoP19), National reports. Several Parties are subject to trade suspensions on the basis of non-submission of national reports. CITES (website), Countries currently subject to a recommendation to suspend trade, updated April 13, 2023, <https://cites.org/eng/resources/ref/suspend.php>.

- XV.** UNEP/PP/INC.3/4, Part IV(2) Implementation and compliance: Minamata Convention on Mercury, October 10, 2013, 3202 U.N.T.S., Article 15, https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280383b1d&clang=_en.
- XVI.** Environmental Investigation Agency, *Mercury in Retrograde, The Dark World of Toxic Skin Lightening Products* (2023).
- XVII.** Minamata Convention, Report on the work of the Implementation and Compliance Committee of the Minamata Convention on Mercury, including Recommendations, UNEP/MC/COP.5/14, (June 5, 2023), Annex, 116.
- XVIII.** Minamata Convention, Proposals for amendments to annex A to the Minamata Convention on Mercury for consideration by the Conference of the Parties at its fifth meeting: Proposal by the Africa region to amend parts I and II of annex A to the Minamata Convention on Mercury on cosmetics, UNEP/MC/COP.5/5/Add.1, (June 2, 2023), Annex I. Of note is that the Minamata Convention prohibition on mercury in cosmetics applies to cosmetics with a mercury content above 1ppm. This has been a challenge for implementation, as many countries do not have access to labs for testing. As such, the proposed amendment by the Africa region removes the 1ppm threshold and highlights the importance of creating treaty provisions that can be effectively implemented.
- XIX.** Montreal Protocol on Substances that Deplete the Ozone Layer, September 16, 1987, 1522 U.N.T.S. 3, Article 8.
- XX.** Montreal Protocol, Decision I/8: Non-compliance, (May 1989); Montreal Protocol, Decision IV/5: Non-compliance procedure, (November 1992), Annex IV: Non-compliance procedure. Notably, the Stockholm Convention has similar treaty text on compliance, but instead of the timeline for development of provisions being the first meeting of the governing body, the treaty states "as soon as practicable," which was ultimately two decades. The 11th Conference of the Parties to the Stockholm Convention in May of 2023 adopted the decision on procedures and mechanisms for compliance, but it remains to be seen how this will operate in practice and how effective it will be. Stockholm Convention on Persistent Organic Pollutants, May 22, 2001, 2256 U.N.T.S. 119, Article 17; Stockholm Convention, Report of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants on the work of its eleventh meeting, UNEP/POPS/COP.11/31, (August 28, 2023), Annex to decision SC-11/19, Compliance procedures under Article 17 of the Stockholm Convention.
- XXI.** Montreal Protocol, Decision X/10: Review of the non-compliance procedure, Annex II: Non-compliance procedure, (November 1998).
- XXII.** See, e.g., Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, March 22, 1989, 1673 U.N.T.S. 125, Article 15; Minamata Convention, Article 15; Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, September 10, 1998, 2244 U.N.T.S. 337, Article 17; Stockholm Convention, Article 17.
- XXIII.** See, e.g., Basel Convention, Article 15; Minamata Convention, Article 15; Rotterdam Convention, Article 17; Stockholm Convention, Article 17.
- XXIV.** For example, the Standing Committee of CITES meets for a week twice between CoPs, which are every three years, and address many issues tasked to it by the CoP. CITES, Resolution Conf. 18.2, Establishment of Committees.
- XXV.** Osamu Yoshida, *The International Legal Régime for the Protection of the Stratospheric Ozone Layer* (Brill Nijhoff, 2019), 232.
- XXVI.** Committee members have "have expertise in areas including scientific, technical, socio-economic and/or legal fields." Basel Convention, COP Decision VI/12, Terms of reference of the Mechanism for Promoting Implementation and Compliance with the Basel Convention, (December 2002), 15.
- XXVII.** Rotterdam Convention, Annex VII, 13.
- XXVIII.** "Subject to paragraph 9 below [submissions made with regard to the possible non-compliance of a Party], the meetings of the Committee shall be open to Parties and the public unless the Committee decides otherwise. When the Committee is dealing with submissions pursuant to paragraph 12 or 13 below, the meetings of the Committee shall be open to Parties and closed to the public unless the Party whose compliance is in question agrees otherwise." Rotterdam Convention, Annex VII, 18; "Subject to paragraph 21 below [submissions made with regard to the possible non-compliance of a Party], the meetings of the Committee shall be open to Parties and the public unless the Committee decides otherwise. When the Committee is dealing with submissions pursuant to paragraphs 16 and 17, the meetings of the Committee shall be open to Parties and closed to the public unless the Party whose compliance is in question agrees otherwise." UNEP/POPS/COP.11/31, Annex to decision SC-11/19, 111.
- XXIX.** CITES, Rules of Procedure of the Standing Committee, as amended at the 70th meeting, Sochi, October 2018.
- XXX.** UNEP, *Compliance Mechanisms Under Selected Multilateral Environmental Agreements*, 110, 112.
- XXXI.** Convention on International Trade in Endangered Species of Wild Fauna and Flora, March 3, 1973, 993 U.N.T.S. 243, Article XIII.
- XXXII.** CITES, Resolution Conf. 14.3 (Rev. CoP19), 1115, 18, 19.
- XXXIII.** Basel Convention, COP Decision VI/12, Terms of reference of the Mechanism for Promoting Implementation and Compliance with the Basel Convention, (December 2002), 19.
- XXXIV.** Stockholm Convention, Decision COP.11/21. Annex to decision SC-7/26, Procedures and mechanisms on compliance with the Stockholm Convention, 1116, 17.
- XXXV.** Minamata Convention, Article 15.4 (a), (b), (c).
- XXXVI.** UNEP, *Compliance Mechanisms Under Selected Multilateral Environmental Agreements*, 11-12, 31-33.
- XXXVII.** CITES, Resolution Conf. 14.3 (rev. CoP19), Compliance Procedures.
- XXXVIII.** Montreal Protocol, Decision IV/5: Non-compliance procedure, Annex V: Indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance with the Protocol, (November 1992).
- XXXIX.** United Nations Environment Programme, Report of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, on the work of its second session, UNEP/PP/INC.2/5, (July 7, 2023), 148.
 - XL.** CITES, Art. VIII(7)(a).
 - XLI.** Minamata Convention, MC-1/8: Timing and format of reporting by the parties, UNEP/MC/COP.1/Dec.8, (November 22, 2017).
 - XLII.** CITES, Art. VIII(7)(a).
 - XLIII.** Basel Convention, Article 13.
 - XLIV.** Montreal Protocol, Article 7.
 - XLV.** Minamata Convention, Draft guidance for completing the national reporting format for the Minamata Convention on Mercury, UNEP/MC/COP.4/17, August 23, 2021, Questions 3.1(c), 3.3(a), 3.5, 11.2.

- XLVI.** CITES, Trade Database, <https://trade.cites.org/>.
- XLVII.** Basel Convention, Basel Convention National Reports, <https://www.basel.int/Countries/NationalReporting/NationalReports/BC2021Reports/tabid/9379/Default.aspx>
- XLVIII.** CITES, Resolution Conf. 11.17 (Rev. CoP18), ¶13, 14.
- XLIX.** CITES, Article VIII(7)(b).
 - L.** CITES, Resolution Conf. 11.17 (Rev. CoP19), National Reports.
 - LI.** UNEP/MC/COP.1/Dec.8.
 - LII.** Stockholm Convention, SC-1/22, Party reporting, timing and format, (May 2005), Annex.
 - LIII.** Stockholm Convention, Article 15; SC-1/22, Annex.

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