

Obligations for All: How to Ensure that Parties Will Meet their Commitments ?

Prof. Jimena Nieto Carrasco,
Universidad de los Andes
Universidad Externado

j.nieto25@uniandes.edu.co

Colombia

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***Covenants without the sword, are
but words and of no strength to
secure a man at all***

- Thomas Hobbes,
Leviathan, Pt. II, Ch XVII

Deterrence

However...the prospect of being found out is often just as important to the potential violator than the prospect of becoming the target of more or less severe sanctions (...) Those contemplating violations will refrain from breaking the rules if they expect their non-compliant behaviour to be exposed even if they know that the probability that their violations will be met with sanctions is low

The Effort to devise and incorporate ...sanctions
in treaties is largely a waste of time

- Chayes and Chayes New Sovereignty

Hiss, don't bite

“The Dream Text”

- 1. A mechanism, including a Committee as a subsidiary body of the Governing Body, **is hereby established** to promote implementation of, and review compliance with, **all** provisions of this Agreement. The mechanism, including the Committee, shall be **facilitative** in nature and shall pay particular attention to the respective national capabilities and circumstances of Parties.
- 2. The Committee shall promote implementation of, and review compliance with, [all]**[mitigation commitments]** provisions of this Agreement. The Committee shall examine both individual and systemic issues of implementation and compliance and make recommendations, as appropriate, to the Governing Body.
- 3. The Committee shall consist of 10 members (**composition** to be agreed) the first members shall be elected at the first meeting of the Governing Body and thereafter in accordance with the rules of procedure approved by the Governing Body.

TRIGGERS, RoP, Decision-making

4. TRIGGERS:

(a) Submissions from any Party with respect to its own compliance;

(b) a Party raising concerns about another Party

(c) Expert Review Team (KP)

(d) Requests from the Governing Body

5. The Committee shall elaborate its **rules of procedure**, which shall be subject to approval by the second meeting of the Governing Body

6. The Committee shall make every effort to adopt its recommendations by **consensus**. If all efforts at consensus have been exhausted and no consensus is reached, such recommendations shall as a last resort be adopted by **a three-fourths majority vote** of the members present and voting, based on a quorum of two-thirds of the members