

# **The Regulatory Institute ([www.howtoregulate.org](http://www.howtoregulate.org))**

## **Checklist for international Treaties, Agreements and other Instruments**

The following list shall serve as a checklist only. The elements listed are not necessarily to be included in all treaties, agreements or other instruments, hereafter jointly referred to as “treaties”.

The list is, on one hand, based on current international practice and, on the other, inspired by an analysis of the common weaknesses of international treaties.

Users are free and are even invited to copy and adapt the list to the needs of a particular international context. The Regulatory Institute would be pleased to be informed of such transformative use.

Some topics appear under various points or subpoints. We kept these redundancies because users might decide to use only particular parts of the checklist and would miss these duplicated topics if they were mentioned only at one place.

### **1. Purpose/Goals, Objectives, and Principles:**

#### *Subpoint 1: Purpose and Goals*

**1.1. Statement of Purpose:** Provide a concise and clear statement of the treaty’s overarching purpose, highlighting its main goals and intentions.

**1.2. Specific Objectives:** Outline specific, measurable objectives that the treaty seeks to achieve, addressing the key issues or challenges it aims to resolve.

**1.3. Long-Term Vision:** Incorporate a long-term vision or aspirational goals that the treaty aims to realise, guiding parties toward a shared vision of the future.

**1.4. Scope of Impact:** Describe the intended scope of the treaty’s impact, including its potential global, regional, or sectoral implications.

#### *Subpoint 2: Fundamental Principles*

**2.1. Principle of Sovereign Equality:** Affirm the principle of sovereign equality of states, emphasizing that all parties are equal under international law.

**2.2. Non-Discrimination:** Promote the principle of non-discrimination, ensuring that parties are treated equally and without prejudice based on nationality, race, gender, or other prohibited grounds.

**2.3. Good Faith:** Emphasize the principle of good faith in treaty implementation, requiring parties to act honestly, transparently, and cooperatively.

**2.4. Respect for International Law:** Commit to the principles of respect for international law, including customary international law, and adherence to existing international agreements and conventions.

**2.5. Sustainable Development:** Incorporate the principle of sustainable development, emphasizing the need to balance economic, social, and environmental goals.

- 2.6. **Peaceful Resolution of Disputes:** Promote the peaceful resolution of disputes among parties and the avoidance of the use of force or coercion.
- 2.7. **Transparency and Accountability:** Establish the principles of transparency and accountability in treaty-related activities, including reporting and decision-making processes.
- 2.8. **Cooperation and Solidarity:** Encourage cooperation, mutual assistance, and solidarity among parties to achieve common goals and address shared challenges.
- 2.9. **Respect for Human Rights:** Acknowledge the importance of respecting and promoting human rights within the framework of the treaty, in accordance with international human rights conventions.
- 2.10. **Environmental Stewardship:** Commit to the responsible stewardship of natural resources and the environment, promoting conservation, biodiversity, and climate action.
- 2.11. **Social Justice:** Incorporate principles of social justice and equity, ensuring that the benefits and burdens of the treaty are distributed fairly among parties.
- 2.12. **Cultural Preservation:** Recognise the importance of preserving cultural diversity, heritage, and indigenous knowledge, promoting cultural exchange and understanding.
- 2.13. **Rule of Law:** Uphold the rule of law as a fundamental principle, requiring adherence to legal norms, procedures, and due process.
- 2.14. **Gender Equality:** Promote gender equality and women's empowerment as essential principles for achieving the treaty's objectives.
- 2.15. **Democratic Governance:** Encourage democratic governance and participatory decision-making processes among parties, ensuring inclusivity and representation.

## **2. Scope, Definitions, and Interpretation Rules:**

### *Subpoint 1: Scope of Application*

- 1.1. **Territorial Scope:** Define the geographical areas or territories to which the treaty applies, specifying whether it covers national territories, exclusive economic zones, international waters, or other regions.
- 1.2. **Subject Matter Scope:** Clearly outline the subject matter or specific issues that the treaty addresses, providing a comprehensive overview of its objectives and purposes.
- 1.3. **Temporal Scope:** Specify the duration of the treaty's validity, including its entry into force, duration, renewal, and termination provisions.
- 1.4. **Party Eligibility:** Identify those who are eligible to become parties to the treaty, such as states, international organisations, or other entities.

### *Subpoint 2: Definitions*

- 2.1. **Key Terminology:** Provide precise definitions for key terms and concepts used in the treaty to avoid ambiguity and ensure a common understanding among parties.

**2.2. Technical Definitions:** Include technical definitions, especially for terms specific to the subject matter of the treaty, ensuring clarity and accuracy in interpretation.

**2.3. Cross-References:** Establish cross-references within the treaty to direct parties to relevant definitions, promoting consistency in the text.

### *Subpoint 3: Interpretation Rules*

**3.1. Principles of Interpretation:** Set out general principles for the interpretation of the treaty, such as the use of ordinary meaning, the object and purpose of the treaty, and the context in which terms are used.

**3.2. Use of International Law:** Specify that the treaty should be interpreted in accordance with established principles of international law, including customary international law and relevant conventions.

**3.3. Presumption in Favor of Treaty Objectives:** Highlight a presumption in favor of interpretations that advance the treaty's objectives and purposes, promoting its effective implementation.

**3.4. Precedence of Text Over Titles:** Clarify that the text of the treaty takes precedence over headings, titles, or summaries in case of any inconsistency.

**3.5. Resolution of Ambiguities:** Outline procedures for resolving any remaining ambiguities or disputes in the interpretation of the treaty, including recourse to dispute resolution mechanisms, if applicable.

**3.6. Supplementary Means of Interpretation:** Allow for the use of supplementary means of interpretation, such as travaux préparatoires (preparatory work), to clarify the treaty's meaning in cases of ambiguity.

**3.7. Dispute Resolution for Interpretation:** Specify procedures for resolving disputes related to the interpretation of treaty provisions, including recourse to arbitration, mediation, or referral to an international court or tribunal.

**3.8. Binding Nature of Interpretation:** Confirm that interpretations reached through agreed procedures are binding on the parties and must be followed in treaty implementation.

## **3. Obligations and Duties:**

### *Subpoint 1: Fundamental Obligations*

**1.1. Compliance with Treaty Provisions:** Parties agree to fully and faithfully comply with all the provisions, objectives, and obligations outlined in the treaty, ensuring its effective implementation.

**1.2. Non-Violation of Treaty Principles:** Commit to refraining from any actions that would directly or indirectly violate the fundamental principles and objectives of the treaty.

**1.3. Good Faith:** Undertake a duty to fulfill their treaty obligations in good faith, demonstrating sincerity, honesty, and a genuine commitment to the treaty's goals.

1.4. **Non-Interference:** Agree to respect the principle of non-interference in the internal affairs of other parties, refraining from actions that could undermine their sovereignty or political independence.

1.5. **Interference and mutual control:** Agree to interfere / have a system of mutual control of sovereign states to counter risks for entire humanity (meteorites, viruses or bacteria threatening to extinguish humankind).

1.6. **Peaceful Resolution of Disputes:** Commit to the peaceful resolution of disputes through diplomatic means, negotiations, mediation, or other agreed-upon dispute resolution mechanisms as outlined in the treaty.

*Subpoint 2: Concrete Duties*

2.1. **Implementation of Treaty Provisions:** Parties have a duty to take concrete and effective measures within their domestic legal frameworks to implement the specific obligations, commitments, and actions outlined in the treaty.

2.2. **Reporting and Transparency:** Oblige parties to regularly and transparently report on their progress in meeting treaty obligations, providing comprehensive data, information, and updates as required by the treaty's reporting mechanisms.

2.3. **Non-Discrimination:** Ensure that parties do not engage in discriminatory practices or policies that would undermine the rights, benefits, or opportunities of other parties, natural or legal persons based on nationality, race, gender, religion, or any other prohibited grounds.

2.4. **Protection of Human Rights:** Mandate parties to protect and promote human rights within their territories in accordance with international human rights standards and conventions.

2.5. **Environmental Protection:** Specify duties related to the conservation and protection of the environment, including measures to prevent environmental harm, promote sustainability, and address environmental challenges.

2.6. **Trade and Economic Cooperation:** Define duties related to trade, economic cooperation, and market access, emphasizing fair and non-discriminatory trade practices, including the reduction of trade barriers and the promotion of equitable economic growth.

2.7. **Intellectual Property Protection:** Specify obligations related to the protection of intellectual property rights, including patents, copyrights, trademarks, and trade secrets, and the prevention of infringement and counterfeiting.

2.8. **Labor Standards:** Outline duties to uphold labor standards, including fair working conditions, the right to organise and bargain collectively, the prohibition of child labor and forced labor, and the protection of workers' rights.

2.9. **Resource Management:** Define obligations related to the sustainable management of shared resources, such as fisheries, forests, water bodies, and mineral resources, ensuring responsible resource utilisation.

2.10. **Humanitarian Assistance:** Mandate parties to provide or facilitate humanitarian assistance during crises, ensuring the well-being and safety of affected populations, including access to food, clean water, shelter, and medical care.

- 2.11. **Cultural Heritage Preservation:** Oblige parties to protect and preserve cultural heritage, including cultural sites, artifacts, traditional knowledge, and indigenous languages, promoting cultural diversity and cultural expression.
- 2.12. **Security and Arms Control:** Define duties related to arms control, disarmament, and non-proliferation, ensuring regional and global security, and promoting the reduction of arms stockpiles and military tensions.
- 2.13. **Health and Safety Regulations:** Set out obligations for parties to enact and enforce health and safety regulations, ensuring the well-being and health of their populations, including workplace safety, public health measures, and disease control.
- 2.14. **Climate Change Mitigation:** Establish duties related to greenhouse gas emissions reduction, climate change mitigation, and adaptation efforts in alignment with international climate agreements, promoting global efforts to combat climate change.
- 2.15. **Education and Development:** Specify obligations to promote education, economic development, poverty reduction, and social welfare, including access to quality education, vocational training, and economic opportunities.
- 2.16. **Protection of Vulnerable Populations:** Oblige parties to protect the rights and well-being of vulnerable populations, such as refugees, migrants, internally displaced persons, and marginalised communities, ensuring their safety, dignity, and access to essential services.
- 2.17. **Conflict Resolution:** Define duties related to conflict prevention, management, and resolution, promoting regional and international peace and security, and supporting peaceful negotiations and peacebuilding efforts.
- 2.18. **Anti-Corruption Measures:** Mandate parties to implement anti-corruption measures, combat corrupt practices, and promote transparency, accountability, and good governance within their territories.
- 2.19. **Data Privacy and Cybersecurity:** Set out obligations related to data privacy protection, cybersecurity, and the prevention of cybercrimes, ensuring the security and integrity of digital systems and personal data.
- 2.20. **Public Health:** Oblige parties to address public health challenges, such as pandemics, through international cooperation, response efforts, vaccine distribution, and public health campaigns to protect public health and safety.
- 2.21. **Collision rules:** Set out rules on which obligation shall prevail (and to what extent) in case of conflict between various obligations; either one prevailing on the other or trade-off decision in the concrete case.

#### **4. Rights (both of parties and of natural or legal persons, merits being split):**

1. **Sovereign Rights:** Acknowledge the sovereign rights of each party, emphasizing their equality, independence, and non-interference in domestic affairs.
2. **Territorial Integrity:** Affirm the principles of respect for territorial integrity, sovereignty, and non-aggression among parties.

3. **Self-Determination:** Recognise the right to self-determination of peoples within party territories, in accordance with international law.
4. **Non-Interference:** Ensure parties' rights to non-interference in their internal and external affairs by other parties.
5. **Non-Discrimination:** Guarantee the right of all parties to be treated equally and without discrimination based on nationality, race, gender, religion, or any other prohibited grounds.
6. **Equal Voting Rights:** Specify equal voting rights for parties in decision-making processes related to the treaty, ensuring fairness and parity.
7. **Access to Treaty Benefits:** Confirm the right of all parties to access the benefits and opportunities outlined in the treaty on an equitable basis.
8. **Participation:** Guarantee the right of each party to participate fully in the treaty's activities, including the right to propose amendments and initiatives, and engage in decision-making.
9. **Access to Information:** Provide parties with the right to access relevant information, documents, and data related to the treaty, promoting transparency and accountability.
10. **Dispute Resolution Rights:** Specify the rights of parties to seek dispute resolution through agreed-upon mechanisms, ensuring access to justice and fair processes.
11. **Environmental Rights:** Include provisions that recognise the rights of parties to a clean and healthy environment, as well as responsibilities for environmental protection.
12. **Trade and Economic Rights:** Establish rights related to trade, investment, and economic cooperation, including fair access to markets, non-discriminatory treatment, and protection of intellectual property rights.
13. **Cultural Rights:** Safeguard cultural rights and heritage, protecting cultural diversity and promoting the preservation of cultural resources, including language and traditional knowledge.
14. **Labor Rights:** Include provisions related to labor rights, fair working conditions, and the right to organise, bargain collectively, and ensure safe and healthy workplaces.
15. **Property Rights:** Specify the protection of property rights, both public and private, and the right to just compensation in cases of expropriation.
16. **Health and Safety Rights:** Ensure the right to health, safety, and access to healthcare services for individuals within party territories.
17. **Freedom of Navigation and Transit:** Recognise the freedom of navigation and transit through international waterways and transportation routes, ensuring unimpeded access for parties.
18. **Indigenous Rights:** Acknowledge the rights of indigenous peoples, including their rights to land, resources, cultural preservation, and self-governance.
19. **Social and Economic Rights:** Promote social and economic rights, including the right to education, food, housing, and a decent standard of living, with a focus on poverty alleviation and economic development.

20. **Freedom of Expression:** Guarantee the freedom of expression, including freedom of speech, media, and information exchange among parties, ensuring an open and informed discourse.
21. **Religious Freedom:** Protect the right to freedom of religion and belief, ensuring the ability to practice and observe one's faith without discrimination.
22. **Right to Development:** Recognise the right to development for all parties, with a focus on sustainable and equitable development, including economic, social, and cultural rights.
23. **Humanitarian Assistance:** Ensure parties' rights to seek and provide humanitarian assistance in times of crisis, such as natural disasters or conflicts.
24. **Access to International Waters:** Address rights related to access to and utilisation of international waters, including fishing rights, navigation, and resource sharing.
25. **Access to Space:** Specify the rights and responsibilities of parties regarding the peaceful use of outer space, including satellite communication and space exploration.
26. **Rights of the Child:** Promote the rights and well-being of children within party territories, in accordance with international conventions on the rights of the child.
27. **Rights of Persons with Disabilities:** Recognise the rights of persons with disabilities, ensuring equal access, non-discrimination, and inclusion in society and development efforts.
28. **Limits of Rights:** Rules on collision with rights of others or with obligations, other limits; either one right prevailing on the other or trade-off decision in the concrete case.

## **5. Dispute Resolution:**

### *Subpoint 1: Arbitration Clause*

- 1.1. **Arbitration Rules:** Specify the rules and procedures for arbitration, including the selection of arbitrators, the arbitration institution, and the applicable law.
- 1.2. **Binding Nature:** Clarify that arbitration decisions are binding on the parties involved, with no right of appeal, ensuring finality in dispute resolution.
- 1.3. **Confidentiality:** Address the confidentiality of arbitration proceedings and the publication of arbitral awards, balancing transparency with privacy.
- 1.4. **Selection of Arbitrators:** Define the process for selecting arbitrators, ensuring impartiality and expertise in the subject matter of the dispute.
- 1.5. **Enforcement of Awards:** Establish procedures for the enforcement of arbitral awards, including recognition and execution in the relevant jurisdictions or by international courts.

### *Subpoint 2: International Courts or Tribunals*

- 2.1. **Establishment of a Specific Court:** Create a specific international court or tribunal, detailing its jurisdiction, composition, and procedures for dispute resolution.

2.2. **Adjudication by Existing Courts:** Attribute disputes to existing international courts or tribunals with jurisdiction over the subject matter of the dispute.

2.3. **Binding Decisions:** Specify that decisions of the international court are binding on the parties and must be executed without delay.

2.4. **Access to the Court for parties, other states, natural or legal persons:** Clarify the process for parties to access the international court, including the initiation of proceedings and the role of legal representatives.

*Subpoint 3: Vote of the Supreme Organ*

3.1. **Supreme Organ's Role:** Define the role and authority of the supreme organ of the treaty in resolving disputes, including its composition and decision-making procedures.

3.2. **Majority Vote or Consensus:** Specify the majority vote or consensus requirements for decisions made by the supreme organ, ensuring a clear process for dispute resolution.

3.3. **Binding Nature:** Confirm that decisions of the supreme organ are binding on the parties and must be implemented.

*Subpoint 4: Vote of UN General Assembly*

4.1. **UN General Assembly's Role:** Indicate that in case of a dispute, parties agree to refer the matter to the UN General Assembly for a vote.

4.2. **Voting Procedures:** Define the voting procedures, majority requirements, and the role of the UN General Assembly in resolving disputes.

4.3. **Binding Decisions:** Ensure that decisions of the UN General Assembly are binding on the parties involved.

*Subpoint 5: Vote of the UN Security Council*

5.1. **UN Security Council's Role:** Specify that parties agree to refer disputes to the UN Security Council for resolution by vote.

5.2. **Voting Procedures:** Define the voting procedures, including the use of the veto power, and the role of the UN Security Council in dispute resolution.

5.3. **Enforcement Mechanisms:** Consider whether the UN Security Council can impose sanctions or take other enforcement actions in the event of non-compliance with its decisions.

*Subpoint 6: Vote of a Regional or Specialised Organisation*

6.1. **Regional or Specialised Organisation's Role:** Allow for parties to agree that disputes may be referred to the supreme organ of a specific regional or specialised international organisation for resolution by vote.

6.2. **The Organisation's Jurisdiction:** Specify the scope of jurisdiction and authority of the regional or specialised organisation in handling disputes related to the treaty.

6.3. **Majority Vote:** Define the majority vote or consensus requirements within the regional or specialised organisation for dispute resolution decisions.



6.4. **Enforcement Mechanisms:** Consider whether the regional or specialised organisation can impose sanctions or take other enforcement actions in case of non-compliance with its decisions.

## 6. Monitoring and Reporting:

1. **Monitoring Bodies:** Create dedicated bodies or committees responsible for monitoring and assessing compliance with treaty obligations.
2. **Monitoring Criteria:** Define clear criteria and indicators to assess compliance, including measurable targets, benchmarks, or performance standards.
3. **Reporting Obligations:** Specify reporting obligations for parties, including the frequency, content, and format of reports to be submitted to the monitoring bodies.
4. **Data Collection:** Outline procedures for data collection and information gathering, including the sources, methods, and responsible entities.
5. **Verification and Validation:** Incorporate mechanisms for independent verification and validation of reported data to ensure accuracy and reliability.
6. **On-Site Inspections:** Authorise the monitoring bodies to conduct on-site inspections, visits, or audits when necessary to verify compliance, possibly also with peer agents from other states.
7. **Access to Information:** Ensure that monitoring bodies have access to all relevant information, documents, and records held by national authorities.
8. **Technical Expertise:** Equip monitoring bodies with technical expertise and resources to evaluate complex issues related to treaty compliance.
9. **Peer Review Mechanisms:** Establish peer review mechanisms where parties can assess and provide feedback on each other's compliance efforts.
10. **Compliance Assessment Reports:** Require monitoring bodies to compile compliance assessment reports, summarizing findings and highlighting areas of concern or improvement.
11. **Public Reporting:** Promote transparency by making compliance assessment reports and summary findings publicly available, unless sensitive issues are involved; possibly with performance rating.
12. **Non-Compliance Notification:** Establish procedures for notifying parties in cases of identified non-compliance and for seeking explanations or corrective actions; possibly with public blacklisting.
13. **Progress Reporting:** Mandate regular progress reporting by parties on their efforts to achieve treaty objectives, allowing for tracking of implementation over time.
14. **Capacity Building for Reporting:** Provide technical assistance and capacity-building support to help parties meet reporting requirements effectively.

15. **Dispute Resolution for Non-Compliance:** Include mechanisms for resolving disputes related to non-compliance, allowing parties to seek resolution through diplomatic means or treaty bodies.
16. **Confidentiality Protocols:** Establish protocols for handling sensitive or confidential information while ensuring transparency in non-sensitive areas.
17. **Sanctions for Non-Reporting:** Consider sanctions or penalties for parties that fail to meet reporting obligations without valid reasons.
18. **Compliance Incentives:** Encourage compliance by offering incentives, such as access to technical assistance or favorable trade terms, to parties that consistently meet their reporting requirements.
19. **Cross-Sectoral Coordination:** Promote coordination among relevant ministries and agencies within parties' governments to ensure effective reporting.
20. **Capacity Assessment:** Conduct capacity assessments to identify specific areas where parties may need support or assistance in fulfilling their reporting obligations.

## 7. Review and Amendment Procedures:

1. **Review Periods:** Establish specific review periods at which parties will assess the effectiveness and relevance of the treaty. For example, conduct reviews every five years to evaluate progress.
2. **Review Criteria:** Define clear criteria and objectives for the review process, specifying what aspects of the treaty will be evaluated, such as treaty goals, implementation, and impacts.
3. **Participation in Reviews:** Specify the involvement of parties in the review process, ensuring that all parties have the opportunity to participate in discussions and provide input.
4. **Independent Assessment:** Consider engaging independent assessors or experts to conduct objective evaluations during the review process, providing impartial insights.
5. **Transparency:** Ensure transparency in the review process, making review findings and recommendations publicly available to enhance accountability.
6. **Amendment Proposals:** Outline procedures for proposing amendments to the treaty, including the submission of formal proposals by parties or designated bodies.
7. **Amendment Criteria:** Define criteria for the approval of treaty amendments, such as requiring a supermajority or consensus among parties for amendments to be adopted.
8. **Ratification of Amendments:** Specify the process for parties to ratify approved amendments, ensuring that amendments only come into force when a predetermined number of parties have ratified them; cover also protocols that parties can adhere to or not; clarify whether parties may issue "protocol declarations" that interpret or limit their adherence to or acceptance of the amendment.

9. **Grandfather Clauses:** Address the treatment of parties that may be subject to different obligations due to amendments, considering grandfather clauses or transition periods.
10. **Withdrawal during Amendment Process:** Establish rules regarding full or partial party withdrawal during the amendment process, ensuring that parties can make informed decisions.
11. **Protection of Core Principles:** Include provisions to protect core principles or objectives of the treaty from amendments that could undermine its fundamental goals.
12. **Technical Committees:** Create technical committees or working groups responsible for drafting and reviewing proposed amendments, ensuring technical expertise is considered.
13. **Dispute Resolution for Amendments:** Include mechanisms for resolving disputes related to proposed amendments, allowing parties to seek resolution through diplomatic means or treaty bodies.
14. **Notification and Consultation:** Require parties to notify and consult with each other before proposing significant amendments to the treaty to promote cooperation and consensus.
15. **Safeguarding Interests:** Consider mechanisms to safeguard the interests of developing countries or vulnerable parties during the amendment process.
16. **Review Outcomes:** Clarify the potential outcomes of the review process, which may include recommendations for amendments, adjustments to implementation, or reaffirmation of treaty commitments.
17. **Check Protocols:** Check whether the points above need adaptation in view of possible protocols that parties can adhere to or not; protocols might also require a distinct set of rules.

## 8. Specialised Body:

### *Subpoint 1: Establishment of a Treaty Body*

1.1. **Creation of the Body:** Establish a specialised international body with a clear mandate for monitoring, enforcing, and overseeing treaty compliance.

1.2. **Membership:** Define the composition of the body, including the number of members, appointment procedures, representation of parties, and terms of office.

1.3. **Expertise Requirements:** Specify the expertise or qualifications required for members of or delegates to the specialised body, ensuring competence in relevant areas related to treaty objectives.

1.4. **Impartiality and Conflict of Interest:** Enforce strict rules regarding impartiality, independence, and conflict of interest for members, delegates and staff of the body.

### *Subpoint 2: Monitoring and Investigation Powers*

2.1. **Data Collection:** Empower the specialised body to collect, analyse, and assess data, information, and reports submitted by parties regarding treaty compliance.

2.2. **On-Site Inspections:** Authorise the body to conduct on-site inspections, visits, or audits, with prior notification to parties, to verify compliance and address concerns.

2.3. **Access to Information:** Ensure that the body has unrestricted access to relevant information, documents, and records, including those held by national authorities.

2.4. **Information processing:** Ensure that the body is empowered to acquire and process, including by artificial intelligence, information stemming from the parties or not.

#### *Subpoint 3: Sanctions*

3.1. **Types of Sanctions:** Specify the types of sanctions or penalties that the specialised body can impose in cases of non-compliance, which may include trade sanctions, economic penalties, or other measures outlined in the “Compliance Measures” section.

3.2. **Sanction Imposition Process:** Define the procedures, criteria, and thresholds for imposing sanctions, ensuring fairness and due process.

3.3. **Appeal Mechanism:** Include an appeals process for parties subject to sanctions, allowing them to challenge or seek review of sanction decisions.

#### *Subpoint 4: Support Tasks*

4.1. **Technical Assistance:** Assign responsibility to the specialised body for coordinating and providing technical assistance and capacity-building support to parties, especially developing countries.

4.2. **Capacity Assessment:** Require the body to conduct capacity assessments to identify areas where parties need support in meeting treaty obligations.

4.3. **Best Practices Sharing:** Facilitate the sharing of best practices and experiences among parties to enhance compliance and implementation.

4.4. **Reporting and Communication:** Mandate regular reporting by the body to parties, including updates on compliance, technical assistance efforts, and capacity-building progress.

#### *Subpoint 5: Coordination Tasks*

5.1. **Coordination among Parties:** Promote coordination and cooperation among parties in implementing treaty obligations, with the specialised body serving as a focal point for collaboration.

5.2. **Dispute Resolution:** Provide mechanisms for the body to mediate and facilitate dispute resolution among parties, reducing conflicts related to treaty compliance.

5.3. **Alignment with Other Agreements:** Ensure that the specialised body regularly examines other international agreements to avoid conflicting obligations and overlapping efforts.

#### *Subpoint 6: Governance of Body*

6.1. **Key Organs:** Define the key organs of the specialised body, including its leadership, decision-making bodies, and supporting committees or working groups.

6.2. **Staffing:** Set out rules for the recruitment, nomination, and appointment of staff members, including qualifications and impartiality requirements.

6.3. **Internal Rules:** Establish internal rules and procedures governing the functioning of the body, including meeting protocols, decision-making processes, and conflict resolution mechanisms.

6.4. **Transparency:** Ensure transparency in the governance of the body, with clear rules for public access to documents, meetings, and decision-making processes.

6.5. **Accountability:** Define mechanisms for accountability, including the removal or impeachment of members or staff in cases of misconduct or non-performance.

*Subpoint 7: Resources of Body*

7.1. **Technical Expertise:** Equip the body with technical expertise and human resources to fulfil its tasks.

7.2. **Technical Equipment:** Equip the body with technical equipment to fulfil its tasks.

7.3. **Funding Rules:** Establish rules on how parties and others may or must fund the body.

## **9. Compliance Measures:**

*Subpoint 1: Fines and Penalties*

1.1. **Monetary Penalties:** Stipulate monetary fines or penalties for non-compliance with specific treaty obligations, with clear guidelines on the calculation of fines.

1.2. **Fine Calculation Method:** Define the method for calculating fines, including per-unit excess violations (e.g., per metric ton of emissions) and the rate of fines per unit.

1.3. **Penalty Escalation:** Introduce mechanisms for increasing fines in cases of repeated or severe non-compliance, acting as a deterrent.

1.4. **Use of Fine Revenues:** Specify the allocation or use of fine revenues, such as funding environmental restoration or supporting compliance-related initiatives.

*Subpoint 2: Suspension of Rights or Benefits under the Same Treaty*

2.1. **Suspension Mechanism:** Outline the process and conditions for suspending certain rights or benefits granted under the same treaty in the event of non-compliance.

2.2. **Scope of Suspension:** Define which specific rights or benefits can be suspended, such as trade privileges, financial assistance, or participation in decision-making.

2.3. **Temporary Suspension:** Clarify whether suspensions are temporary or can be lifted upon demonstration of compliance.

2.4. **Criteria for Reinstatement:** Specify the criteria and procedures for reinstating suspended rights or benefits, including proof of compliance.

*Subpoint 3: Suspension of Rights or Benefits under Other Treaties*

3.1. **Cross-Treaty Suspension:** Allow for the suspension of certain rights or benefits granted under other international treaties in the case of non-compliance with the treaty.

3.2. **Mutual Recognition:** Establish provisions that encourage parties to recognise and implement the suspension decisions made under other relevant treaties.

3.3. **Dispute Resolution:** Include mechanisms for dispute resolution in cases where parties dispute the appropriateness of cross-treaty suspensions.

*Subpoint 4: Black-labeling of Non-Compliant Parties*

4.1. **Definition of Black-labeling:** Define the concept and criteria for black-labeling non-compliant parties, which may include public recognition of non-compliance.

4.2. **Public Disclosure:** Specify whether black-labeling involves public disclosure of non-compliance, potentially impacting a party's reputation.

4.3. **Effects of Black-labeling:** Describe the consequences or limitations associated with being black-labeled, such as reduced access to certain privileges or cooperation opportunities.

4.4. **Conditions for Removal:** Establish conditions for the removal of black-labeling, which may require demonstrating sustained compliance over a specified period.

4.5. **Review and Appeal:** Include provisions for the review and appeal of black-labeling decisions to ensure fairness and due process.

4.6. **Mitigation and Remediation:** Encourage parties that have been black-labeled to undertake mitigation measures or remedial actions to improve their compliance status.

*Subpoint 5: Extension of Empowerments to Parties*

5.1. **Conditions for the Extension of Empowerments to Parties:** Set out the conditions under which parties may apply the mechanisms listed above, and trade or other sanctions, independently from the body in charge of the treaty, e.g. in case of incapacity of the body, slow procedure, and immediate risks for the goods, values, and principles protected by the treaty, or in cases where the means of the body do not suffice to deter the infringing party; consider such extension in particular in cases of threat for the entire humankind.

5.2. **Conditions stopping the Extension of Empowerments:** Set out a mechanism that puts an end, by means of a vote or a decision of the body in charge of the treaty, to the extension of empowerments.

5.3. **Arbitrage or Court Mechanism:** Alternatively or in addition to 5.2, set out an arbitrage or court mechanism between parties for cases in which they disagree on whether the extension of empowerments has been used lawfully or whether the extension of empowerments is to be stopped.

## **10. Technical Assistance and Capacity Building:**

*Subpoint 1: Technical Support Funds*

1.1. **Establishment of Funds:** Create dedicated funds or mechanisms designed to provide financial assistance to developing countries to support their capacity-building efforts in meeting treaty obligations.

1.2. **Resource Mobilisation:** Specify methods for resource mobilisation, including contributions from parties, international donors, or private sector entities, to fund technical support programs.

1.3. **Targeted Investment:** Ensure that funds are allocated strategically to address specific needs, such as clean energy production, environmental conservation, or healthcare infrastructure.

1.4. **Grant and Loan Mechanisms:** Offer both grant-based and concessional loan mechanisms to support capacity-building projects, catering to the varying financial circumstances of developing countries.

1.5. **Project-Based Assistance:** Fund capacity-building projects that directly align with the treaty's objectives, with clear criteria for project selection and implementation.

#### *Subpoint 2: Training Programs*

2.1. **Curriculum Development:** Develop comprehensive training programs and curricula tailored to the specific requirements of the treaty, covering areas like environmental management, human rights, trade practices, or technical skills.

2.2. **Accessible Learning Materials:** Ensure the accessibility of training materials, including online resources, manuals, and multimedia content, to facilitate knowledge dissemination.

2.3. **Training Institutions:** Establish or collaborate with training institutions, universities, or educational organisations to deliver training programs.

2.4. **Regional Workshops:** Organise regional workshops and seminars to facilitate peer learning and knowledge sharing among parties.

2.5. **Professional Development:** Include provisions for ongoing professional development and certification for individuals involved in treaty implementation.

#### *Subpoint 3: Peer Review Programs*

3.1. **Peer Review Mechanism:** Create a peer review system where parties can assess and provide feedback on each other's implementation efforts, focusing on areas crucial for treaty success.

3.2. **Objective Assessment:** Ensure that peer reviews are objective, impartial, and based on clear criteria and standards, promoting transparency and constructive feedback.

3.3. **Capacity Assessment:** Assess the capacity of authorities responsible for treaty implementation, identifying strengths and areas for improvement.

3.4. **Report and Recommendations:** Require parties to compile peer review reports with recommendations for enhancing implementation and capacity building.

#### *Subpoint 4: Auditing Programs*

4.1. **Independent Auditing Firms:** Consider engaging international auditing companies or establish a dedicated unit within the treaty body to conduct assessments of national authorities responsible for treaty implementation.

4.2. **Regular Audits:** Implement a schedule for regular audits to assess the effectiveness and capacities of implementing authorities in transposing the treaty into national laws.

4.3. **Transparency in Audits:** Ensure transparency in the auditing process, including access to audit reports and follow-up actions to address identified deficiencies.

4.4. **Capacity Enhancement Plans:** Develop capacity enhancement plans based on audit findings to support national authorities in improving their implementation capabilities.

#### *Subpoint 5: Partnership Programs*

5.1. **Transnational Partnerships:** Encourage the establishment of transnational partnerships among authorities responsible for treaty implementation or national transposition of the treaty.

5.2. **Knowledge and Resource Sharing:** Facilitate the sharing of knowledge, experiences, and resources among partner organisations to strengthen capacity and promote best practices.

5.3. **Collaborative Projects:** Promote joint projects and initiatives within partnership programs to address common challenges and enhance implementation.

5.4. **Regional and Global Cooperation:** Foster regional and global cooperation networks to support capacity building and treaty implementation efforts.

## 11. Transparency and Information Sharing:

1. **Information Exchange Obligations:** Specify mandatory obligations for parties to regularly exchange relevant information and data related to the treaty's objectives.
2. **Data Standardisation:** Encourage the standardisation of data formats and reporting methods to facilitate efficient information sharing and comparison.
3. **Data Repositories:** Establish centralised data repositories or databases accessible to all parties or even the general public, where information can be stored and retrieved.
4. **Reporting Requirements:** Define reporting requirements, including the frequency, content, and format of reports that parties must submit to ensure transparency.
5. **Public Access to Information:** Promote public access to non-sensitive treaty-related information and reports to enhance transparency and accountability.
6. **Real-Time Reporting:** Encourage real-time or near-real-time reporting of critical information, especially in cases of emergencies or rapid developments.
7. **Data Verification:** Include mechanisms for independent verification and validation of data provided by parties to ensure accuracy and reliability.
8. **Information Sharing Platforms:** Develop online platforms or portals for parties to share information, best practices, and lessons learned.
9. **Sharing of Research Findings:** Encourage parties to share research findings, scientific data, and studies that can contribute to the treaty's objectives.
10. **Technical Assistance for Reporting:** Provide technical assistance and capacity-building support to help parties meet reporting requirements effectively.
11. **Confidentiality Protocols:** Establish protocols for handling sensitive or confidential information while ensuring transparency in non-sensitive areas.
12. **Peer Review Mechanisms:** Implement peer review mechanisms where parties can assess and provide feedback on each other's information-sharing practices.
13. **Clearance and Approval Processes:** Define processes for clearing and approving information before sharing, particularly in cases involving national security or proprietary data.



14. **Dispute Resolution for Data Sharing:** Include procedures for resolving disputes related to the exchange of information, ensuring parties can seek resolution through diplomatic means or treaty bodies.
15. **Capacity Assessment:** Prior to information sharing, conduct capacity assessments to identify specific areas where parties may need support or assistance.
16. **Cross-Sectoral Coordination:** Promote coordination and information sharing across different sectors or areas covered by the treaty.
17. **Data Privacy and Security:** Establish measures to safeguard the privacy and security of shared information, including data encryption and cybersecurity protocols.
18. **Interpretation and Translation:** Address issues related to language barriers by providing interpretation and translation services to ensure that information is accessible to all parties.
19. **Public Engagement:** Encourage public engagement and consultation in the information-sharing process, allowing stakeholders to contribute relevant data and perspectives.
20. **Capacity Building for Data Management:** Strengthen the capacity of parties in data collection, management, and analysis to enhance the quality and effectiveness of information sharing.

## **12. Incentives for Compliance:**

### *Subpoint 1: Trade Benefits*

- 1.1. **Preferential Market Access:** Provide parties that consistently comply with the treaty's provisions with preferential market access, reduced tariffs, or trade benefits in recognition of their commitment to the treaty's goals.
- 1.2. **Non-Tariff Trade Barriers:** Remove or reduce non-tariff trade barriers for compliant parties, making it easier for them to access international markets.
- 1.3. **Cumulative Benefits:** Allow for the accumulation of trade benefits over time as parties continue to demonstrate compliance and progress.

### *Subpoint 2: Financial Incentives*

- 2.1. **Grants and Subsidies:** Offer grants, subsidies, or financial incentives to parties that achieve specific compliance milestones, such as meeting environmental or sustainable development targets.
- 2.2. **Low-Interest Loans:** Provide access to low-interest loans or financial support for projects or initiatives that contribute to the treaty's objectives, such as renewable energy or conservation efforts.
- 2.3. **Performance-Based Funding:** Allocate funding based on performance, with higher levels of support provided to parties that consistently excel in compliance.

### *Subpoint 3: Recognition and Awards*

3.1. **Compliance Awards:** Establish a formal system of compliance awards or certificates to publicly acknowledge and reward parties that demonstrate exceptional commitment and performance.

3.2. **Certification Programs:** Create certification programs that recognise parties for their compliance achievements, enhancing their reputation and credibility on the international stage.

3.3. **Annual Reports:** Publish annual reports or rankings that highlight and celebrate the achievements of compliant parties, providing transparency and recognition.

*Subpoint 4: Rating of Contracting Parties*

4.1. **Performance Criteria:** Define specific performance criteria and indicators crucial for the success of the international treaty, covering the areas covered by the treaty.

4.2. **Independent Assessment:** Engage independent assessment bodies or expert panels to objectively evaluate and rate the performance of contracting parties against the established criteria.

4.3. **Public Disclosure:** Make the ratings and assessments publicly available to encourage transparency and inform stakeholders about parties' compliance records.

*Subpoint 5: Access to Technology*

5.1. **Technology Transfer:** Facilitate technology transfer and knowledge sharing by providing compliant parties with access to advanced technologies and technical assistance.

5.2. **Technology Partnerships:** Foster partnerships between compliant parties and technology providers to accelerate the adoption of innovative solutions.

5.3. **Capacity Building:** Offer capacity-building programs and training to help parties effectively utilise advanced technologies to meet their treaty obligations.

5.4. **Research Collaboration:** Encourage collaborative research initiatives among compliant parties to develop and share cutting-edge solutions and best practices.

### **13. Harmonisation of Laws and their Application:**

1. **Mandatory Legislative Alignment:** Require parties to take concrete steps to harmonise their national laws, regulations, and law application policies with the treaty's provisions within a specified timeframe.

2. **Model Laws and Guidelines:** Develop and disseminate model laws, guidelines, or best practices to assist parties in aligning their legal frameworks with treaty requirements.

3. **Technical Assistance:** Provide technical assistance, capacity-building support, and training to parties, particularly those with limited resources, to facilitate the harmonisation process.

4. **Review of Existing Laws:** Mandate a comprehensive review of existing national laws and regulations to identify inconsistencies with treaty provisions and areas requiring harmonisation.

5. **Prioritisation of Actions:** Encourage parties to prioritise the alignment of laws with critical treaty provisions that have a significant impact on the treaty's objectives, or even set up a precise mandatory priority list in the treaty.

6. **Transparency and Accountability:** Require parties to make publicly available their progress in harmonising laws and regulations, promoting transparency and accountability.
7. **Progress Reporting:** Establish reporting mechanisms for parties to regularly update on their legislative alignment efforts, including any challenges encountered and solutions adopted.
8. **Compatibility Assessments:** Require national compatibility assessments to determine the extent to which national laws, regulations and implementation policies are compliant with the treaty, and set up an international compatibility assessment mechanism with the body as secretariat of a panel or even as the sole decision-maker.
9. **Technical Committees:** Create technical committees or working groups composed of experts to provide guidance and expertise on legislative harmonisation.
10. **Cross-Sectoral Coordination:** Mandate cross-sectoral coordination within governments to ensure that various ministries and agencies work together to harmonise laws and their application effectively.
11. **Flexibility Mechanisms:** Allow for flexibility in the timing and methods of harmonisation to accommodate the unique legal and administrative systems of each party.
12. **Legislative Timetables:** Establish clear legislative timetables or action plans for parties to follow, outlining milestones and deadlines for harmonisation.
13. **Legal Reforms:** Encourage or mandate parties to undertake legal reforms as needed to remove legal obstacles to harmonisation and implementation.
14. **Capacity Building for Legal Drafting:** Strengthen the capacity of parties in legal drafting and legislative processes to ensure the quality and effectiveness of harmonised laws.
15. **Public Awareness Campaigns:** Conduct public awareness campaigns to inform stakeholders, including lawmakers, legal professionals, and the public, about the importance of harmonisation.
16. **Public Feedback Mechanisms:** Mandate at a national level and/or establish at an international level a mechanism for the general public to alert on incomplete harmonisation.
17. **Review and Monitoring Mechanisms:** Establish review and monitoring mechanisms to assess the quality and effectiveness of harmonised laws in achieving treaty objectives.
18. **Dispute Resolution for Non-Compliance:** Include provisions for dispute resolution in cases of non-compliance with harmonisation obligations, allowing parties to seek resolution through diplomatic means or treaty bodies.
19. **Compliance Incentives:** Consider offering incentives for parties that proactively and effectively harmonise their laws, such as enhanced access to treaty benefits, trade advantages or technical assistance.
20. **Coordination with Other Agreements:** Ensure coordination and consistency in the harmonisation of laws with other relevant international agreements to avoid conflicts and overlaps.

21. **Capacity Assessment:** Prior to harmonisation, conduct capacity assessments to identify specific areas where parties may need support or assistance.

#### 14. Consultation and Cooperation:

1. **Mandatory Consultation:** Require parties to engage in regular consultations to discuss treaty implementation progress, challenges, and emerging issues.
2. **Establishing Consultative Bodies:** Create consultative bodies, working groups, or committees composed of representatives from participating parties to facilitate ongoing collaboration.
3. **Joint Planning and Strategy Development:** Encourage parties to jointly develop and implement plans, strategies, or action agendas to achieve common objectives.
4. **Information Sharing:** Mandate the sharing of relevant information, data, and best practices among parties to enhance knowledge and capacity.
5. **Technical Assistance Programs:** Support the development and implementation of technical assistance programs to help parties build the necessary expertise and capacity.
6. **Coordination Mechanisms:** Establish mechanisms for coordinating activities, policies, and regulations across sectors or areas covered by the treaty.
7. **Conflict Resolution:** Include procedures for dispute resolution and conflict management among parties, promoting peaceful resolution of disagreements.
8. **Cross-Border Collaboration:** Promote collaboration among neighboring states or regions to address shared challenges and enhance regional cooperation.
9. **Mutual Assistance:** Require parties to provide mutual assistance and support in the event of emergencies or unforeseen events that may affect treaty objectives.
10. **Exchange of Experts:** Facilitate the exchange of experts, scientists, and technical personnel among parties to enhance expertise and knowledge transfer.
11. **Joint Research and Development:** Encourage joint research, development, and innovation initiatives among parties to address common issues.
12. **Capacity Building:** Support capacity-building efforts, particularly in developing countries, to ensure all parties can effectively participate in collaborative activities.
13. **Public-Private Partnerships:** Foster partnerships between governments, private sector entities, and civil society organisations to leverage resources and expertise.
14. **Transboundary Cooperation:** Address transboundary or cross-border issues by promoting cooperation and consultation among affected parties.
15. **Multi-Stakeholder Engagement:** Engage a wide range of stakeholders, including non-governmental organisations, industry representatives, and affected communities, in consultation and cooperation efforts.

16. **Regular Meetings and Workshops:** Organise regular meetings, workshops, conferences, and knowledge-sharing events to facilitate dialogue and exchange of ideas.
17. **Conflict Prevention Strategies:** Develop strategies for preventing conflicts or disputes among parties through proactive collaboration and communication.
18. **Reporting and Accountability:** Require parties to report on their collaborative efforts, outcomes, and progress toward achieving common objectives.
19. **Environmental and Social Impact Assessment:** Include provisions for joint environmental and social impact assessments when projects or actions may have cross-border implications.
20. **Mutual Recognition:** Encourage or mandate the mutual recognition of standards, certifications, and qualifications among parties to promote trade and cooperation.
21. **Crisis Management Plans:** Establish crisis management plans or protocols for addressing emergencies or unforeseen events that may disrupt cooperation efforts.
22. **Networking and Knowledge Sharing:** Promote networking and knowledge-sharing platforms to connect experts, practitioners, and relevant organisations.

#### **15. Phasing-in, Timeframes, and Deadlines:**

1. **Implementation Plan:** Require parties to develop and submit an implementation plan outlining the steps, timelines, and milestones for fulfilling their obligations under the treaty, to be circulated to the body and to parties for transparency and common learning.
2. **Implementation Plan (Peer) Review:** Establish a mechanism for the body and/or peers to review the implementation plan and comment on it.
3. **Gradual Phasing-in:** Promote a gradual and phased approach to the implementation of certain obligations, allowing parties to adjust and adapt over time.
4. **Differentiated Timeframes:** Recognise the varying capacities of parties and allow for differentiated timeframes, particularly for developing countries or those with limited resources.
5. **Initial Compliance Period:** Specify an initial compliance period during which parties are expected to make demonstrable progress toward meeting their obligations.
6. **Progress Reporting:** Establish reporting requirements for parties to regularly update on their progress in implementing obligations within specified timeframes.
7. **Technical Assistance:** Include provisions for the provision of technical and financial assistance to parties, especially those facing challenges in meeting their obligations within prescribed timeframes.
8. **Capacity Building:** Support capacity-building initiatives to enhance the technical and administrative capabilities of parties, enabling them to meet their obligations effectively.
9. **Monitoring and Review:** Set up mechanisms for monitoring and reviewing the implementation progress of parties against agreed-upon timeframes and deadlines.

10. **Flexibility Mechanisms:** Introduce flexibility mechanisms, such as exemptions or adjustments to timeframes, in cases where external factors or emergencies affect implementation, subject to the approval of the treaty body or of a committee.
11. **Interim Targets:** Establish interim targets or benchmarks within the timeframe for measuring progress toward achieving overarching treaty goals.
12. **Non-Compliance Measures:** Outline measures or consequences for parties that consistently fail to meet their obligations within specified timeframes.
13. **Consultation and Cooperation:** Encourage consultation and cooperation among parties to facilitate the sharing of best practices and experiences in meeting time-bound obligations.
14. **Capacity Assessment:** Prior to setting timeframes, conduct capacity assessments to determine the readiness of parties to implement specific obligations within the required period.
15. **Exit Strategy:** Include provisions for an exit strategy or transition plan when phasing in obligations, outlining how parties will eventually assume full responsibility for implementation.
16. **Public Awareness Campaigns:** Promote public awareness campaigns to inform stakeholders about the treaty's obligations, timeframes, and the importance of compliance.
17. **Technical Support Organisations:** Facilitate collaboration with technical support organisations, international bodies, or institutions that can provide expertise and resources to assist parties in meeting their obligations.
18. **Peer Review Mechanisms:** Implement peer review mechanisms that allow parties to assess each other's progress and provide constructive feedback to enhance compliance.
19. **Coordination with Other Agreements:** Ensure alignment with and coordination among multiple agreements or conventions to prevent conflicting or overlapping timeframes.
20. **Continuous Evaluation:** Encourage or mandate continuous evaluation and adjustment of timeframes based on changing circumstances or evolving knowledge and technologies.

## 16. Reservations:

1. **Scope of Permissible Reservations:** Define the scope of provisions to which parties may make reservations, specifying which elements of the treaty are open to reservation and which are not.
2. **Notifying the Depositary:** Require parties wishing to make reservations to formally notify the depositary or the relevant treaty body in writing, clearly stating the nature and scope of the reservation.
3. **Time Limit for Reservations:** Set a time limit within which parties must make reservations after the treaty's entry into force or their accession to the treaty.

4. **Unconditional Acceptance:** Clarify that any provision not subject to a reservation is considered accepted unconditionally by the party, ensuring that parties cannot selectively opt out of core treaty obligations.
5. **Compatibility with Treaty Objectives:** Specify that reservations must not be incompatible with the fundamental objectives and purposes of the treaty, preventing reservations that undermine the treaty's integrity.
6. **Consultation and Approval:** Require consultations with other parties or approval by a specified majority of parties before reservations become effective, ensuring that reservations are not imposed unilaterally.
7. **Reservations Database:** Establish a public database or registry of reservations to enhance transparency and facilitate monitoring by other parties and stakeholders.
8. **Review Mechanism:** Include a mechanism for periodic review of reservations to assess their continued compatibility with the treaty's objectives and purposes.
9. **Withdrawal of Reservations:** Outline procedures for parties to withdraw or modify their reservations, allowing parties to adapt to changing circumstances.
10. **Notification to Other Parties:** Require parties making reservations to notify all other parties promptly, ensuring that all relevant stakeholders are aware of the reservations.
11. **Publication of Reservations:** Mandate the publication of reservations in an official document or on a dedicated treaty website, making them publicly accessible.
12. **Interpretation of Reservations:** Clarify the principles and criteria for the interpretation of reservations, ensuring a consistent approach among parties and treaty bodies.
13. **Reservations and Dispute Resolution:** Establish procedures for resolving disputes related to reservations, including mechanisms for consultation and dispute resolution among parties.
14. **Effect on Entry into Force:** Specify how reservations affect the treaty's entry into force for the reserving party and whether the reservation impacts the treaty's entry into force for other parties.
15. **Non-Party Relations:** Address how reservations affect the relationship between parties and non-parties, particularly if non-parties are also affected by the treaty's provisions.
16. **Reservations and Amendments:** Clarify how reservations interact with subsequent amendments or protocols to the treaty, ensuring consistency and coherence in the treaty framework.
17. **Consideration of Reservations:** Outline the process by which other parties consider and respond to reservations, including the possibility of lodging objections.

## **17. Withdrawal and Termination:**

1. **Withdrawal Notice Period:** Define the notice period that parties must provide when intending to withdraw from the treaty, ensuring adequate time for consideration.
2. **Formal Notification:** Require parties to formally notify all other parties and depositaries of their intention to withdraw in writing, providing reasons if necessary.
3. **Consultation Prior to Withdrawal:** Encourage parties to engage in consultations with other parties before finalising their decision to withdraw, promoting dialogue and conflict resolution.
4. **Withdrawal Restrictions:** Specify any restrictions or limitations on the right to withdraw, taking into account the treaty's objectives and potential consequences.
5. **Conditions for Termination:** Outline the specific conditions or triggering events under which the treaty may be terminated, such as the achievement of its objectives, the occurrence of certain events or the absence of a minimum number of parties.
6. **Consensus for Termination:** Require consensus or a supermajority vote of parties to terminate the treaty, ensuring that such a decision reflects the collective will of the majority.
7. **Non-Retroactivity:** Clarify that withdrawal or termination does not affect the obligations, rights, or liabilities incurred prior to the withdrawal or termination date.
8. **Financial Settlement:** Address financial or resource-related matters on withdrawal or termination, including the settlement of financial obligations, assets, or contributions.
9. **Transitional Period:** Specify any transition periods or measures that apply in the period leading up to the withdrawal or termination, allowing for an orderly transition.
10. **Post-Treaty Obligations:** Define post-treaty obligations such as keeping confidentiality and returning undue payments
11. **Effect on Implementation:** Describe the impact of withdrawal or termination on the implementation of the treaty's provisions by the remaining parties.
12. **Survival Clauses:** Specify which provisions of the treaty will continue to be in force or survive termination, ensuring that certain obligations or rights persist.
13. **Party Status after Withdrawal:** Clarify the status of a party that has withdrawn from the treaty, including its rights and obligations in relation to the remaining parties.
14. **Dispute Resolution for Withdrawal, Survival Clauses and Party Status after Withdrawal:** Include procedures for dispute resolution in case of disputes related to withdrawal or survival clauses, ensuring a fair and impartial process.
15. **Publication of Withdrawal Notices:** Require the public disclosure and publication of withdrawal notices and termination decisions to ensure transparency.
16. **Exit Interviews or Reports:** Encourage parties withdrawing from the treaty to provide exit interviews or reports outlining their reasons for withdrawal and any lessons learned.
17. **Rejoining the Treaty:** Define the conditions and procedures for a former party that has withdrawn to rejoin the treaty, if such an option is available.



## 18. Non-Discrimination and Most-Favored-Nation (MFN) Treatment:

1. **Non-Discrimination Principle:** Establish a fundamental principle that all parties to the treaty should be treated equally, without any unjustified discrimination.
2. **Most-Favored-Nation (MFN) Clause:** Include a clause specifying that any favorable treatment, benefits, or advantages granted by one party to another must be extended to all parties to the treaty.
3. **Scope of Application:** Clearly define the scope and sectors to which the non-discrimination and MFN principles apply within the treaty.
4. **Equal Access to Markets:** Ensure that all parties have equal access to each other's markets and resources without any discriminatory barriers or restrictions, but permit differentiation where justified in view of the treaty goals or other international treaties.
5. **Equal Treatment of Investments:** Guarantee equal treatment for foreign investments from all treaty parties, prohibiting discriminatory practices against investors based on their nationality.
6. **Equal Treatment of Goods and Services:** Apply non-discrimination and MFN principles to trade in goods and services, allowing all parties to enjoy the same trade advantages and opportunities, but permit differentiation where justified in view of the treaty goals or other international treaties.
7. **Protection of Intellectual Property:** Extend intellectual property protection to nationals and companies of all parties without discrimination, in accordance with international standards.
8. **Equal Regulatory Treatment:** Require parties to treat foreign entities and products on par with domestic entities and products in regulatory and administrative matters, but permit differentiation where justified in view of the treaty goals or other international treaties.
9. **Taxation and Customs Procedures:** Ensure that taxation and customs procedures are applied equally to all parties, preventing discriminatory practices.
10. **Labor and Employment:** Prohibit discrimination in employment, ensuring that nationals of all parties enjoy equal employment opportunities and labor rights.
11. **Environmental Protection:** Promote equal environmental standards and regulations for all parties, ensuring that no party is unfairly disadvantaged or exempted from obligations.
12. **Dispute Resolution for Discrimination:** Establish procedures for resolving disputes related to discriminatory practices, allowing parties to seek redress for alleged violations of non-discrimination and MFN principles.
13. **Monitoring and Compliance:** Include mechanisms for monitoring and assessing compliance with non-discrimination and MFN principles, with provisions for reporting and transparency.

14. **Exceptional Circumstances:** Clarify exceptions or limitations to non-discrimination and MFN treatment in cases where they may conflict with other treaty provisions or international obligations.
15. **Periodic Review:** Implement periodic reviews of the application of non-discrimination and MFN principles to ensure their continued effectiveness and relevance.
16. **Technical Assistance:** Provide technical assistance to developing countries to help them meet their obligations related to non-discrimination and MFN treatment.
17. **Coordination with Other Agreements:** Ensure that the treaty's non-discrimination and MFN provisions are consistent with and complement other international agreements, including trade agreements.

## 19. Safeguard Clauses:

1. **Definition of Exceptional Circumstances:** Clearly define what constitutes exceptional circumstances that may trigger the use of safeguard clauses. Examples could include natural disasters, public health emergencies, or unforeseen events.
2. **Notification Requirement:** Require parties to promptly notify other parties and the relevant treaty body when invoking a safeguard clause, providing detailed information on the circumstances and the nature of the deviation.
3. **Time Limit:** Specify the maximum duration for which the safeguard clause may be in effect, ensuring that it is only temporary and does not become a permanent deviation from treaty obligations.
4. **Justification and Proportionality:** Mandate that parties provide a strong justification for invoking the safeguard clause and demonstrate that the deviation from treaty obligations is proportional to the exceptional circumstances.
5. **Consultation and Agreement:** Establish procedures for consultation among parties when a safeguard clause is invoked, aiming to reach an agreement on the appropriate course of action to address the exceptional circumstances.
6. **Review and Monitoring:** Require regular review and monitoring of the situation that led to the use of the safeguard clause to assess whether the exceptional circumstances persist and to determine when the deviation can be lifted.
7. **Reporting Obligations:** Ensure that parties invoking the safeguard clause are obligated to report on the measures taken during the deviation period and their impact on the treaty's objectives.
8. **Compensatory Measures:** Encourage parties to implement compensatory measures or actions to mitigate the negative effects of the deviation on the treaty's objectives.
9. **Limitations on Deviations:** Specify that deviations allowed under safeguard clauses should be limited to what is strictly necessary to address the exceptional circumstances, preventing unnecessary or excessive deviations.

10. **Transparency and Public Disclosure:** Require transparency in the use of safeguard clauses, including making information about their invocation and the reasons publicly available.
11. **Consistency with International Law:** Ensure that any measures taken under safeguard clauses are consistent with other obligations under international law, including human rights and environmental principles.
12. **Dispute Resolution Mechanisms:** Establish dispute resolution mechanisms to address disagreements among parties regarding the invocation or implementation of safeguard clauses.
13. **Gradual Phasing Out:** Encourage or mandate parties to gradually phase out the use of safeguard clauses as exceptional circumstances improve or cease to exist.
14. **Review and Evaluation:** Include provisions for post-exceptional-circumstances review and evaluation to assess the overall impact of the safeguard clause and consider adjustments to treaty obligations as needed.
15. **Consistency with Treaty Objectives:** Emphasize that safeguard clauses should be used in a manner consistent with the overarching objectives and purposes of the treaty.

## 20. Impact Assessments:

1. **Mandatory Impact Assessments:** Specify that parties are required to conduct comprehensive impact assessments before implementing policies, projects, or actions that could affect the objectives of the treaty.
2. **Scope of Impact Assessments:** Define the scope of impact assessments, including the types of impacts to be assessed, such as environmental, social, economic, or health impacts.
3. **Baseline Data Collection:** Require parties to gather baseline data and relevant information to establish a clear understanding of the current conditions and likely developments.
4. **Cumulative Effects Assessment:** Include provisions for assessing cumulative effects, considering the combined impacts of multiple actions or policies over time.
5. **Predictive Modeling:** Encourage the use of predictive modeling and scenario analysis to assess potential future impacts and trends resulting from proposed actions.
6. **Stakeholder Consultation:** Mandate consultation with affected stakeholders, including local communities, indigenous groups, and relevant experts, during the impact assessment process.
7. **Public Participation:** Promote or mandate public participation by allowing affected communities and the public to provide input and feedback on the assessment findings and recommendations.
8. **Alternative Assessments:** Require parties to explore and evaluate alternative actions or policies and their potential impacts to identify the most sustainable and least harmful options.

9. **Mitigation Measures:** Specify that parties must identify and propose mitigation measures to address any adverse impacts identified during the assessment process.
10. **Monitoring and Reporting:** Establish monitoring and reporting mechanisms to track the implementation of mitigation measures and assess their effectiveness over time.
11. **Timeframes and Deadlines:** Set specific timeframes and deadlines for conducting impact assessments to ensure timely decision-making and implementation.
12. **Peer Review:** Encourage peer review processes or the involvement of independent experts to assess the quality and credibility of impact assessments.
13. **Transparency and Accessibility:** Ensure that the results of impact assessments, including their methodologies and findings, are made transparent and accessible to the public.
14. **Dispute Resolution:** Specify procedures for addressing disputes related to the adequacy or accuracy of impact assessments, including mechanisms for resolving disagreements among parties.
15. **Capacity Building:** Support capacity-building initiatives to enhance the technical expertise of parties in conducting impact assessments and interpreting their results.
16. **Adaptive Management:** Promote adaptive management approaches that allow for adjustments to policies or actions based on the findings of impact assessments and changing circumstances.
17. **Integration into Decision-Making:** Emphasize the integration of impact assessment findings into the decision-making process, ensuring that assessments inform policy choices.
18. **Regular Review:** Require periodic reviews of impact assessment processes to assess their effectiveness and identify areas for improvement.

## **21. Capacity for Non-Parties to Join and Observer Status:**

1. **Accession Procedures:** Define clear accession procedures and requirements for states or entities interested in joining the treaty after its initial adoption. This may include formal accession instruments and notifications.
2. **Criteria for Eligibility:** Specify the criteria or conditions that non-parties must meet to be eligible for accession, such as demonstrating alignment with the treaty's objectives or fulfilling specific obligations.
3. **Consent of Existing Parties:** Require the (quorum) consent of existing parties to allow new states or entities to accede to the treaty, ensuring that all parties agree to the inclusion of new members.
4. **Notification Mechanisms:** Establish mechanisms for notifying parties and non-parties of the intention to seek accession, facilitating communication and coordination during the process.

5. **Observer Status:** Create provisions for granting observer status to states, organisations, or entities that are interested in informal cooperation and engagement with the treaty but do not wish to become full parties.
6. **Rights and Responsibilities of Observers:** Define the rights and responsibilities of entities with observer status, including their participation in meetings, access to information, and engagement in specific activities.
7. **Duration of Observer Status:** Specify the duration of observer status and the conditions for renewal or termination of observer status, ensuring flexibility and adaptability.
8. **Access to Treaty Text and Meetings:** Ensure that entities with observer status have access to the treaty text, relevant documents, and may attend meetings, albeit without voting rights.
9. **Engagement in Informal Cooperation:** Encourage observers to participate in informal cooperation, exchange of information, and collaboration with full parties, fostering dialogue and consensus-building.
10. **Review of Observer Status:** Establish procedures for periodic reviews of observer status, allowing for adjustments or improvements based on experience and feedback.
11. **Withdrawal from Observer Status:** Specify the procedures for entities to withdraw from observer status if they no longer wish to participate in informal cooperation.
12. **Consultation with Observers:** Include provisions for consultation and engagement with entities holding observer status to seek their input on relevant matters and gather their perspectives.
13. **Limitations on Observer Status:** Clarify any limitations or restrictions on the activities or privileges of entities with observer status to ensure consistency with the treaty's objectives.
14. **Promotion of Full Membership:** Encourage entities with observer status to consider full membership and provide pathways or incentives for them to become full parties if they align with the treaty's objectives.
15. **Amendment Procedures:** Specify any amendments or modifications required to accommodate new parties or observers and ensure their effective integration into the treaty framework.

## **22. Establishing Procedures for Resolving (Interpretation) Disputes:**

1. **Consultation and Negotiation:** Parties may first require disputing parties to engage in consultation and negotiation to resolve (interpretation) disputes amicably. This could involve a defined timeframe during which parties attempt to reach a mutually agreeable interpretation (or solution).
2. **Expert Panels or Committees:** The treaty may establish panels or committees composed of experts in the relevant field to assist in interpreting complex provisions. These panels may be convened when disputes arise, and their recommendations can be considered binding.

3. **Reference to International Law:** The treaty may specify that disputes (about the interpretation of its provisions) should be resolved by reference to established principles of international law, such as customary international law, prior treaties, or relevant legal precedents.
4. **Submission to an International Court:** Parties may agree to submit (interpretation) disputes to an established international court or tribunal, such as the International Court of Justice (ICJ), with jurisdiction to issue binding rulings on treaty interpretation (rights and duties).
5. **Mediation:** The treaty may provide for mediation by a neutral third party or a mediation body with expertise in the subject matter of the treaty. Parties may be encouraged to participate in mediation as a first step in dispute resolution.
6. **Technical Review:** For treaties involving technical or scientific matters, provisions may be included for technical experts to review and provide guidance on the interpretation of relevant provisions.
7. **Arbitration:** Parties may agree to binding arbitration as a means to resolve disputes (related to treaty interpretation). Arbitrators can be chosen jointly or through predetermined processes.
8. **Appeal Mechanism:** A treaty might establish an appellate body or a hierarchical process for appealing interpretation decisions made at lower levels of dispute resolution.
9. **Good Faith Obligation:** The treaty could include a clause emphasizing the duty of parties to interpret its provisions in good faith and to seek consensus in the absence of clear guidance.
10. **Amendment for Clarity:** In cases where disputes reveal ambiguities or gaps in the treaty language, a procedure for amending the treaty text to clarify provisions may be outlined.

### **23. Liaison and Coordination Bodies:**

1. **Establishment of a Central Coordination Body:** Create a central coordinating body, such as a secretariat or executive committee, responsible for overseeing and managing the overall implementation of the treaty.
2. **Regional Coordination Committees:** Establish regional coordination committees or working groups to address specific regional issues and challenges related to the treaty's objectives.
3. **Sectoral or Thematic Committees:** Form sectoral or thematic committees composed of experts from parties with specialised knowledge in particular areas covered by the treaty.
4. **Technical Working Groups:** Develop technical working groups to delve into technical aspects and provide recommendations on implementation in specialised fields.
5. **Regular Meetings and Conferences:** Schedule periodic meetings, conferences, or assemblies where parties can convene to exchange information, share experiences, and assess progress.

6. **Information Exchange Platforms:** Create online platforms or databases for sharing information, best practices, research findings, and technical data among parties.
7. **Communication Protocols:** Define communication protocols and reporting mechanisms to ensure timely information flow between parties and coordination bodies.
8. **Conflict Resolution Mechanisms:** Establish procedures for resolving disputes or conflicts among parties related to coordination and cooperation issues.
9. **Decision-Making Processes:** Clarify decision-making processes within coordination bodies, including voting mechanisms, consensus-building, and dispute resolution for disagreements.
10. **Advisory Roles:** Assign advisory roles to liaison and coordination bodies, allowing them to provide recommendations, guidance, and technical expertise to parties.
11. **Data Standardisation:** Promote standardisation of data collection, reporting formats, and terminology to facilitate data sharing and comparability.
12. **Capacity Building Programs:** Develop capacity-building programs to enhance the technical and administrative skills of parties involved in coordination and cooperation efforts.
13. **Resource Allocation:** Determine the allocation of financial, human, and technical resources to support the functioning of coordination bodies.
14. **Peer Review Mechanisms:** Implement peer review mechanisms where parties assess and review each other's progress in implementing treaty obligations.
15. **Cross-Sectoral Coordination:** Encourage coordination across different sectors or areas covered by the treaty to ensure holistic and integrated implementation.
16. **Transparency and Accountability:** Ensure transparency in the activities and decisions of coordination bodies, including the publication of meeting minutes, reports, and financial information.
17. **Reporting and Monitoring:** Require parties to provide regular reports on their coordination and cooperation efforts, including achievements, challenges, and lessons learned.
18. **Focal Points:** Appoint focal points or liaison officers within each party's government or organisation to facilitate communication and coordination with the central body.
19. **Collaboration with Stakeholders:** Engage with relevant stakeholders, including non-governmental organisations, industry representatives, and civil society, in coordination efforts.
20. **Review and Adaptation:** Periodically review the effectiveness of coordination bodies and their structures, adapting them as needed to improve collaboration and coordination.

## **24. Public Participation and Access to Information:**

1. **Transparency Requirements:** The treaty may require parties to ensure transparency by regularly publishing relevant information, including text, summaries, and updates of the treaty's implementation progress.
2. **Public Access to Documents:** Parties may commit to making treaty-related documents, reports, and decisions accessible to the public, either through official government channels or online repositories.
3. **Consultation Processes:** Parties can establish mechanisms for consulting with civil society organisations, indigenous groups, and other stakeholders during the treaty's development, implementation, and review phases.
4. **Public Hearings and Meetings:** Encourage the organisation of public hearings, meetings, or consultations at various stages of treaty implementation to gather input, feedback, and concerns from affected communities and the public.
5. **Notification Requirements:** Specify requirements for notifying and involving the public in decisions that may have significant environmental, social, or economic impacts.
6. **Access to Impact Assessments:** Ensure that impact assessments and relevant studies related to the treaty's objectives are made available to the public for review and comment.
7. **Ombudsman or Focal Points:** Appoint independent ombudsmen or focal points responsible for handling complaints, inquiries, and concerns from the public regarding treaty compliance and implementation.
8. **Civil Society and NGO Participation:** Encourage the active involvement of non-governmental organisations (NGOs), community-based organisations, and other civil society actors in the treaty's implementation through advisory roles, consultations and infringement alert mechanisms.
9. **Access to Dispute Resolution:** Specify procedures that allow the public to access and participate in dispute resolution processes when disputes arise related to the treaty's provisions.
10. **Public Awareness Campaigns:** Promote public awareness through educational campaigns, public information sessions, and dissemination of materials explaining the treaty's objectives and benefits.
11. **Access to Judicial Review:** Establish mechanisms for the public to initiate judicial review proceedings when they believe that the treaty's provisions have been violated or inadequately enforced.
12. **Alert portals:** Include provisions permitting everybody to alert the governments and the international body on infringements of the international treaty or national law transposing it.
13. **Whistleblower and Witness Protections:** Include provisions protecting individuals who disclose information about treaty violations or non-compliance and/or who testify publicly thereon, ensuring their safety and legal protections.
14. **Reporting and Accountability:** Require parties to report regularly on their efforts to involve the public and ensure transparency, with a focus on outcomes and lessons learned.



15. **Language Accessibility:** Ensure that treaty-related information and documents are available in multiple languages to enhance accessibility to diverse populations.
16. **Capacity Building:** Support capacity-building initiatives to empower marginalised or vulnerable groups to participate effectively in treaty-related processes.

## 25. Technical Standards and Guidelines:

1. **Definition of Technical Terms:** Provide clear definitions of technical terms and concepts used in the treaty to ensure common understanding among parties.
2. **Harmonisation of Technical Standards:** Encourage or mandate parties to harmonise their national technical standards and regulations with international standards or best practices related to the treaty's subject matter.
3. **Integration with National Legislation:** Encourage or mandate parties to integrate the treaty's technical standards and guidelines into their national laws and regulations.
4. **Adoption of Existing Standards:** Reference existing international technical standards, codes of conduct, or guidelines established by recognised bodies or organisations to guide treaty implementation.
5. **Establishing Technical Committees:** Create technical committees or working groups composed of experts from participating parties to develop and update technical standards and guidelines.
6. **Scientific Research and Data Sharing:** Encourage parties to engage in scientific research, data collection, and information sharing to inform the development of technical standards and guidelines.
7. **Regular Review and Updating:** Establish a process for regular review and revision of technical standards and guidelines to keep them current and adaptable to changing circumstances.
8. **Capacity Building:** Support capacity-building initiatives to enhance the technical expertise of parties, particularly in developing countries, to meet the requirements of the treaty.
9. **Risk Assessment Procedures:** Specify procedures for conducting risk assessments and impact assessments to evaluate the potential consequences of treaty implementation.
10. **Compliance Assessment Tools:** Develop tools and methodologies for parties to assess their compliance with technical standards and guidelines and identify areas requiring improvement.
11. **Best Practices Sharing:** Facilitate the sharing of best practices and success stories among parties to promote effective implementation of technical standards.
12. **Verification and Certification:** Establish mechanisms for independent verification and certification of compliance with technical standards, if applicable.

13. **International Collaboration:** Encourage collaboration with international organisations, specialised agencies, and relevant stakeholders to ensure alignment with global technical standards and guidelines.
14. **Adaptive Management:** Promote adaptive management approaches that allow for adjustments to technical standards and guidelines based on real-world outcomes and feedback.
15. **Stakeholder Engagement:** Involve relevant stakeholders, including industry representatives, academia, and civil society, in the development and review of technical standards and guidelines.
16. **Conflict Resolution Mechanism:** Specify procedures for resolving disputes related to the interpretation or application of technical standards and guidelines.
17. **Emergency Response Protocols:** Develop protocols for responding to emergencies or unforeseen events that may require deviations from established technical standards while ensuring safety and compliance.

If you are looking for more inspiration for improvements of treaties, please check the Regulatory Institute's model laws, namely for empowerments and other aspects of implementation, and the Quality Control Chapter of its Handbook "How to regulate?".