Institutional Developments under Modern International Environmental Agreements

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I. Organisational Design of Modern International Environmental Agreements

II. Meetings of Parties
1. Organisation
2. Legislative Function
   a. Power of Normative Decision-Making
      aa. Externally Binding Normative Decisions
      bb. Explicit and Implicit Binding Effect of Normative Decisions
      cc. Structure of Normative Decisions
   b. Competencies
      aa. Progressive Development of the Agreement
         aaa. Adapting the Regulatory Action
         bbb. Modifying the Regulatory Approach
      bb. Implementing the Agreement
         aaa. Mechanisms for Transactions and Cooperation
         bbb. Compliance Mechanisms
      cc. Setting Standards for National Laws and Policies
      dd. Progressive Development and Revision of the Treaty
   c. Procedure
      aa. Preparation of Decision-Making
         aaa. Institutionalising Expertise
         bbb. Power of Proposal
      bb. Voting Requirements
      cc. Deliberation at the Sessions of the Meetings of Parties

3. Executive Function
   a. Internal and External Administration of the Treaty
   b. Competencies
      aa. Administering the Regulatory Approach
      bb. Administering Implementing Mechanisms
      cc. Administering Compliance Mechanisms

dd. Direct and Indirect Administration of International Environmental Agreements

c. Procedure

4. Quasi-Judicial Function
   a. Jurisdiction
      aa. Compliance
      bb. Interpretation of Agreement
   b. Institutional Issues
   c. Factual Assessment and Legal Evaluation
   d. (Non-)compliance Response
   e. Procedure

5. Policy-Making Function

III. Secretariats
   1. Organisation
   2. Legislative Function
      a. Organisational Preparation of Decision-Making by Meetings of Parties
      b. Initiating Decision-Making by Meetings of Parties
   3. Executive Function
      a. Administering the Agreement
      b. Relations with Third Institutions
   4. Quasi-Judicial Function
      a. Enforcement
      b. Interpretation of Agreement

IV. International Commissions
   1. Organisation
   2. Legislative Function
   3. Judicial Function
      a. Enforcement
      b. Interpretation and Application of the Treaty

V. Conclusions

The international community responds to the international environmental problématique1 through an institutional innovation. Operating under a treaty-based standard organisational design (Part I.), Meetings of Parties (Part II.), Secretariats (Part III.) and International Commissions (Part IV.) exercise powers and competencies that amount to legislative, executive, quasi-judicial and policy setting functions. This institutional development of allocating functions to a specific organisational design takes place across the board of international environmental law. It establishes a process of making and enforcing law whose effectiveness

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