INTERNATIONAL COURTS VERSUS NON-COMPLIANCE MECHANISMS

This book explores the best mechanisms for helping bring about states' compliance with international treaties. Many recent treaties include noncompliance mechanisms (NCMs) to facilitate implementation and promote parties' compliance with their obligations. These NCMs exist alongside the formal dispute resolution processes of international courts and tribunals. The authors bring together a wide legal spectrum of views from different parts of the world representing novel insights into NCMs' contribution to treaty implementation and compliance. Their research has cast important light on how procedural innovations may help render NCMs more effective, as well as on the circumstances in which NCMs may be better suited than international courts to facilitate compliance. This applies in particular to issues where states share common interests, such as environmental or human rights protection, that are interdependent, and where implementation makes significant administrative, regulatory and political demands. To enable this research to make an impact around the world, this book is also available as Open Access on Cambridge Core.

CHRISTINA VOIGT is Professor of Law at the University of Oslo; Chair of the IUCN World Commission on Environmental Law; and Co-Chair of the Paris Agreement Implementation and Compliance Committee. She is a renowned expert in international environmental law and has taught and published widely in this field. She is the editor of, *inter alia, International Judicial Practice on the Environment: Questions of Legitimacy* (Cambridge University Press 2019) and *Courts and the Environment* (co-edited with Zen Makuch, Edward Elgar 2018).

CAROLINE FOSTER is Professor of International Law at the University of Auckland and Director of the New Zealand Centre for Environmental Law. She is the author of *Global Regulatory Standards in Environmental and Health Disputes: Regulatory Coherence, Due Regard and Due Diligence* (Oxford University Press 2021) and Science and the *Precautionary Principle in International Courts and Tribunals: Expert Evidence, Burden of Proof and Finality* (Cambridge University Press 2011).

STUDIES ON INTERNATIONAL COURTS AND TRIBUNALS

General Editors Andreas Føllesdal, University of Oslo Geir Ulfstein, University of Oslo

Studies on International Courts and Tribunals contains theoretical and interdisciplinary scholarship on legal aspects as well as the legitimacy and effectiveness of international courts and tribunals.

Other books in the series:

Mads Andenas and Eirik Bjorge (eds) A Farewell to Fragmentation: Reassertion and Convergence in International Law

Cecilia M Bailliet and Nobuo Hayashi (eds) *The Legitimacy of International Criminal Tribunals*

Amrei Müller with Hege Elisabeth Kjos, (eds) Judicial Dialogue and Human Rights

Nienke Grossman, Harlan Grant Cohen, Andreas Føllesdal and Geir Ulfstein (eds) *Legitimacy and International Courts*

Theresa Squatrito, Oran R. Young, Andreas Føllesdal, Geir Ulfstein (eds) *The Performance of International Courts and Tribunals*

Robert Howse, Hélène Ruiz-Fabri, Geir Ulfstein and Michelle Q. Zang (eds) *The Legitimacy of International Trade Courts and Tribunals*

Marlene Wind (ed.) International Courts and Domestic Politics

Christina Voigt (ed.) International Judicial Practice on the Environment: Questions of Legitimacy

Martin Scheinin (ed.) Human Rights Norms in 'Other' International Courts

Freya Baetens (ed.) *Legitimacy of Unseen Actors in International Adjudication*

Shai Dothan International Judicial Review: When Should International Courts Intervene?

Silje Langvatn, Mattias Kumm, Wojciech Sadurski (eds) *Public Reason and Courts*

Daniel Behn, Szilárd Gáspár-Szilágyi, Malcolm Langford (eds)

Adjudicating Trade and Investment Disputes: Convergence or Divergence?

Sondre Torp Helmersen *The Application of Teachings by the International Court of Justice*

Daniel Behn, Ole Kristian Fauchald, Malcolm Langford (eds) *The Legitimacy of Investment Arbitration: Empirical Perspectives*

Eric De Brabandere International Procedure in Interstate Litigation and Arbitration: A Comparative Approach

Chiara Giorgetti and Mark Pollack (eds) *Beyond Fragmentation: Cross-Fertilization, Cooperation and Competition among International Courts and Tribunals*

Stavros Brekoulakis and Georgios Dimitropoulos (eds) International Commercial Courts: The Future of Transnational Adjudication

Mark Gillett Prosecuting Environmental Harm before the International Criminal Court

Sassan Gholiagha The Humanization of Global Politics: International Criminal Law, the Responsibility to Protect, and Drones

Ezgi Yildiz The European Court of Human Rights and the Norm Against Torture: Between Forbearance and Audacity

Christina Voigt and Caroline Foster (eds) International Courts versus Non-Compliance Mechanisms: Comparative Advantages in Strengthening Treaty Implementation

Luise Müller The Right to Punish: Political Authority and International Criminal Justice

INTERNATIONAL COURTS VERSUS NON-COMPLIANCE MECHANISMS

Comparative Advantages in Strengthening Treaty Implementation

> Edited by CHRISTINA VOIGT University of Oslo CAROLINE FOSTER

> > University of Auckland





Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi - 110025, India

103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment, a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org Information on this title: www.cambridge.org/9781009373906

DOI: 10.1017/9781009373913

© Cambridge University Press & Assessment 2024

This work is in copyright. It is subject to statutory exceptions and to the provisions of relevant licensing agreements; with the exception of the Creative Commons version the link for which is provided below, no reproduction of any part of this work may take place without the written permission of Cambridge University Press.

An online version of this work is published at doi.org/10.1017/9781009373913 under a Creative Commons Open Access license CC-BY-NC-ND 4.0 which permits re-use, distribution and reproduction in any medium for non-commercial purposes providing appropriate credit to the original work is given. You may not distribute derivative works without permission.

To view a copy of this license, visit https://creativecommons.org/licenses/by-nc-nd/4.0

All versions of this work may contain content reproduced under license from third parties.

Permission to reproduce this third-party content must be obtained from these third-parties directly.

When citing this work, please include a reference to the DOI 10.1017/9781009373913

First published 2024

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Names: Voigt, Christina, 1971- editor. | Foster, Caroline, 1962- editor.

Title: International courts versus non-compliance mechanisms : comparative advantages in strengthening treaty implementation / edited by Christina Voigt, University of Oslo; Caroline Foster, University of Auckland.

Description: Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2023. Identifiers: LCCN 2023029660 (print) | LCCN 2023029661 (ebook) | ISBN 9781009373906 (hardback) | ISBN 9781009373920 (paperback) | ISBN 9781009373913 (ebook)

Subjects: LCSH: International courts. | Compliance. | Treaties–Interpretation and construction. | International law and human rights. | Climatic changes–Law and legislation. | Environmental law, International. Classification: LCC KZ6250 .1579 2023 (print) | LCC KZ6250 (ebook) | DDC 341.5/5–dc23/eng/

20230929

LC record available at https://lccn.loc.gov/2023029660 LC ebook record available at https://lccn.loc.gov/2023029661

ISBN 978-1-009-37390-6 Hardback

Cambridge University Press & Assessment has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.