

WORKSHOP
2 JULY 2023
BANGKOK

Key strategies to strengthen domestic implementation and enforcement of the Montreal Protocol

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Domesticating obligations under the KA

- What is “domestication”?
 - Incorporating obligations of treaties into domestic laws to give legal force and effect to the rights and obligations within the territory of the Party
- How do you domesticate KA obligations?
 - Amended laws
 - New laws
 - Revised regulations
 - New regulations
 - Other (interim) options (e.g. memorandum of understanding)

Domesticating the KA: Key Questions and considerations

Questions

- What adjustments need to be made to national legislation to domesticate the Kigali Amendment?
- How can these adjustments be best made?
- At what level do these adjustments need to be made?
- When should they be made?

Considerations

- Legislative reform must consider specific domestic circumstances
- Reform should build on existing legislative arrangements
- Processes may take more time than anticipated

Enforcement measures – what are they?



Enforcement measures – what are they?

“enforcement measures”

A broad set of legal tools that can be used by authorities to ensure continued compliance with the law and to rectify any instances of non-compliance.

The primary objectives of enforcement measures are to:

- create a ***culture of compliance*** with the law
- to reinforce the rule of law
- prevent and deter future harm
- remedy past harm where appropriate

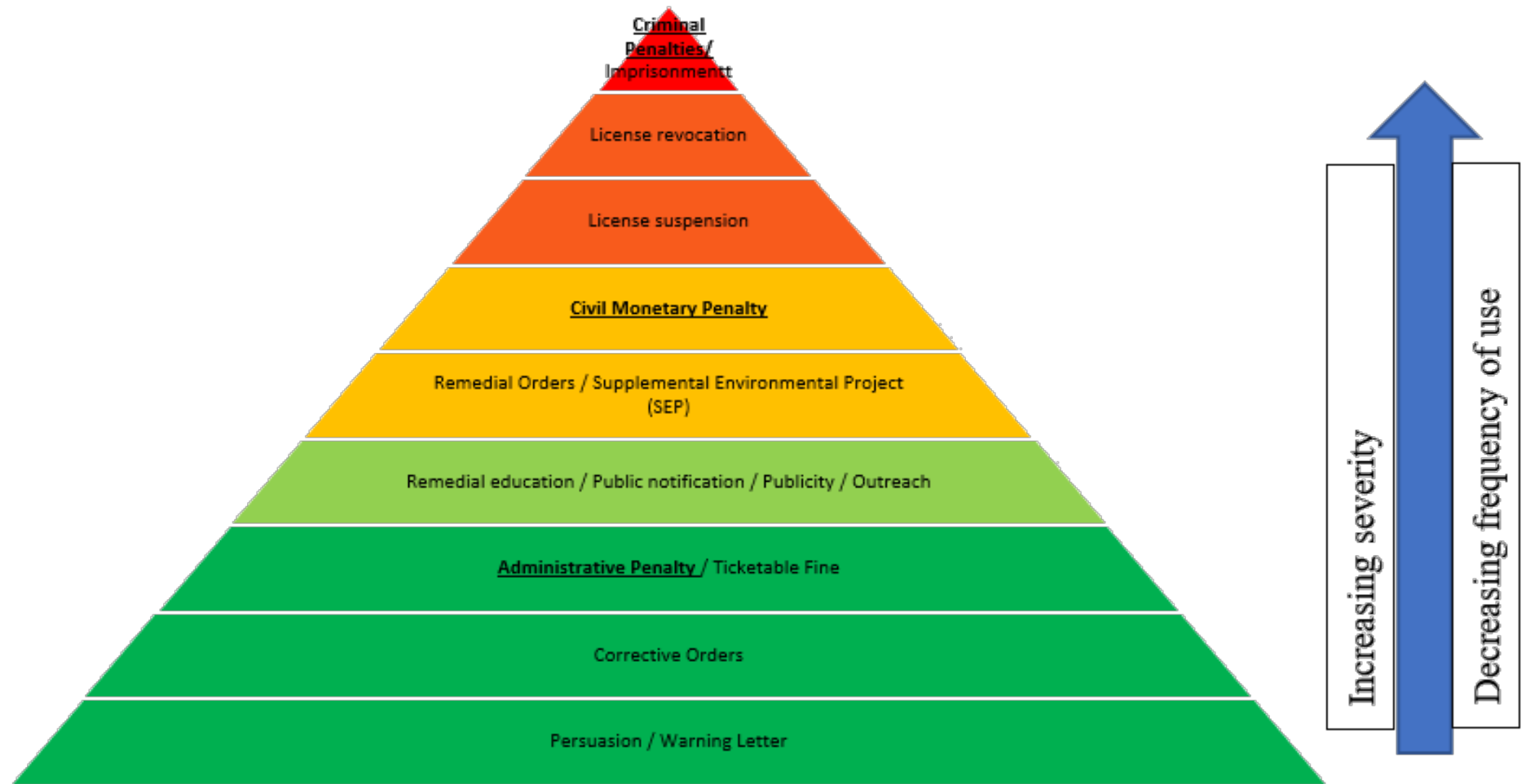
Determining appropriate enforcement measures

Overarching considerations:
Fairness (or equity) and effectiveness

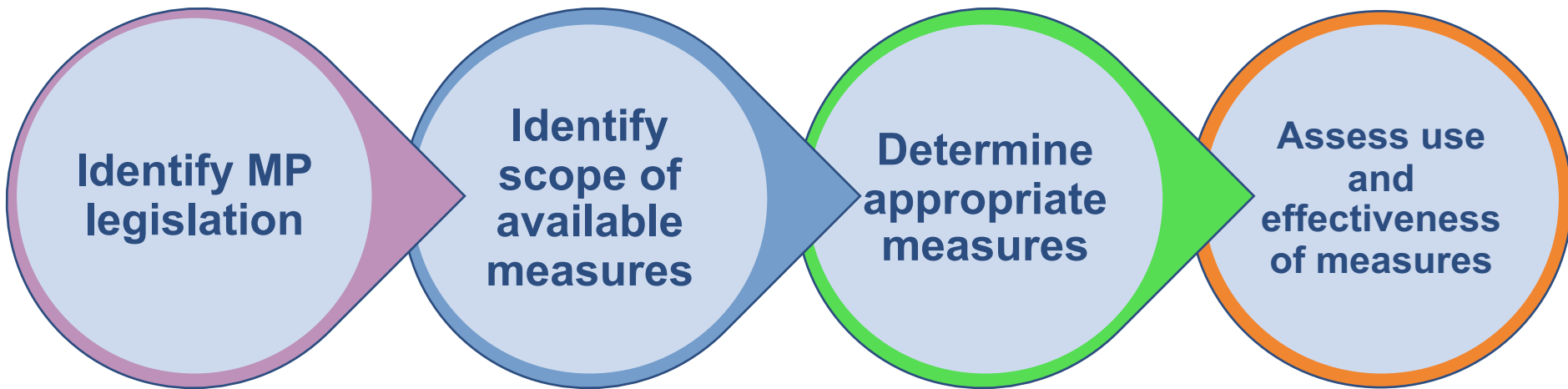
- Equity of enforcement measures
- Effectiveness of enforcement measures
- “Right-size” the measures – not too high (inequitable) or too low (ineffective)
- Remove economic benefits of violation
- Consider the size of the violator

A range of enforcement measures can enable authorities to account for the severity of the violation and the willfulness of the violator and can help to ensure that the penalty is both effective and equitable.

Determining appropriate enforcement measures



Determining appropriate enforcement measures



How can UNEP's Law Division support you?

- General and region-specific developments through regional offices
- Highlighting potential areas of development for planned legislation or regulations
- Capacity-building activities
- Development of knowledge products



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Thank you!

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