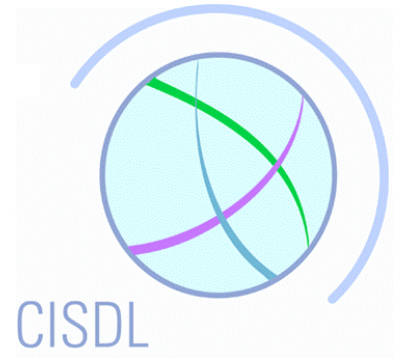


<b>CISDL Doc. #:</b> R1-S5N-E	<b>Session:</b> Plenary Roundtable One
<b>Date &amp; Time:</b> 2002-06-13 14:00	<b>Speaker:</b> Prof. Stephan Toope
<b>Rapporteur:</b> [Wilma Hovius]	<b>Language:</b> English



**Plenary Roundtable One:  
New Legal instruments for ISDL Monitoring &  
Compliance  
June 13, 2002, Montreal**

1) Two brief observations:

We are asked to address new legal instruments:

- 1) What do we mean by legal instruments?
- 2) What do we mean by compliance?

**a) What do we mean by legal instruments?**

- i) Emphasis that in the context of ISDL it is important to look at formal and informal instruments
  - (1) Formal: legislation, even the concept of rights.
  - (2) Informal instruments highlight the role of principles or concepts that inform development and evolution, particularly of environmental law
    - (a) The principle of sustainable development is itself such a concept
    - (b) Other examples include the precautionary principles, ect
  - (3) These are principles that are drawn together to understand complex problems
- ii) These principles can shape discourse and help construct shared understandings that may lead to consensus

**b) What do we mean by compliance?**

- i) Important idea is that compliance is not to be equated with enforcement, which is a concept that often comes to overwhelm the concept of compliance.
- ii) Enforcement is only a small part of compliance.
- iii) Proactive enforcement, burden and benefit sharing, can be equally or more important than traditional enforcement mechanisms