China’s proposed text on implementation and compliance (Part IV-2)

Implementation and compliance

1. A mechanism to facilitate implementation of, and promote compliance with, the provisions of this instrument*, including a committee, is hereby established.

2. The mechanism referred to in paragraph 1 shall be facilitative, non-punitive and non-adversarial in nature and shall pay particular attention to the respective national capabilities and circumstances of Parties.¹

3. The mechanism shall operate under the modalities and procedures adopted by the governing body* at its first session and shall report to the governing body*.

4. The committee referred to in paragraph 1 shall examine both individual and systemic implementation and compliance issues and make recommendations to the governing body*, as appropriate.² The committee shall consist of 17 members with recognized competence in fields relevant to this instrument* to be elected by the governing body* striving to reflect a balance of expertise and on the basis of equitable geographical representation, with three members each from the five regional groups of the United Nations and two members from the SIDS, taking into account the goal of gender balance—

5. Members shall be elected to the committee to serve for a period of [X] years and for a maximum of two consecutive terms. The governing body*, at its first session, shall elect nine members to the committee for an initial term of [X] years and eight members for a term of [half of X] years. Thereafter, the governing body* shall elect at its relevant regular sessions nine members for a term of [X] years. The members and alternate members shall remain in office until their successors are elected.

6. The committee may consider issues on the basis of:

a. Written submissions from any Party with respect to its own compliance;

Additional options—

b. Written submission from any Party regarding another Party’s compliance;

c. Requests from the governing body*;

d. Information provided by the secretariat with respect to the status of submission of information under [part IV.3 on reporting on progress].

¹ Note: Adapted from the Minamata Convention, Article 15.
² Note: Adapted from the Minamata Convention, Article 15.
7. The committee referred to in this Article shall elaborate its rules of procedure,³ which shall be subject to endorsement by the *governing body* at its second session. The *governing body* may adopt further terms of reference for the committee.¹

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³ Note: The rules of procedure may include provisions for non-compliance.