Implementation and compliance review

Iran believes that our main objective should be facilitation and promotion of implementation of the provisions of the Instrument. Accordingly, any enforcement arrangement or focusing on the individual functions or systematic issues related to the countries under the name of compliance will politicize the whole process of implementation and deviate our attention from the spirit of cooperation to confrontation and a challenging political atmosphere. Furthermore, any compliance regime under the new instrument would be against the sovereign rights of countries. Therefore, we believe that compliance should be deleted in all paragraphs and could be replaced with review. So we support Para 1 with the deletion of the reference to promote compliance. So this para would be:

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

2. Regarding para 2 we support it by adding some words as follows: The mechanism referred to in paragraph 1 shall be expert based and facilitative in nature and function in a manner that is non-intrusive, non-adversarial and non-punitive and shall pay particular attention to the respective national capabilities and circumstances of Parties at all stages of the review process.¹

We suggest adding two new paragraphs as follows

2. In carrying out its works, the committee shall strive to avoid duplication of efforts, shall neither function as an enforcement or dispute settlement mechanism, nor impose nor advise to impose penalties or sanctions, and shall respect national sovereignty.

2. The Committee shall consider and provide flexibility for the developing country parties in the light of their capacities.

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;

¹ Note: Adapted from the Minamata Convention, Article 15.
² Note: Adapted from the Minamata Convention, Article 15.
d. Information provided by the secretariat with respect to the status of submission of information under [part IV.3 on reporting on progress].

7. The committee referred to in this Article shall elaborate its rules of procedure, 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.

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