Text proposal for Final Provisions

PART V INSTITUTIONAL ARRANGEMENTS

Article [---] Conference of the Parties

1. A Conference of the Parties is hereby established.

2. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme no later than one year after the date of entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be decided by the Conference.

3. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the Secretariat, it is supported by at least one third of the Parties.

4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any of its subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.

5. The Conference of the Parties shall perform the functions assigned to it by this Convention and, to that end, shall:

   (a) Establish such subsidiary bodies as it considers necessary for the implementation of this Convention;

   (b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies; and

   (c) Consider and undertake any additional action that may be required for the achievement of the objectives of this Convention.

Article [---] Scientific and Technical Body

1. A Scientific and Technical Body is hereby established.

2. The Scientific and Technical Body shall be composed of members serving in their expert capacity and in the best interest of the Instrument, nominated by Parties and elected by the Conference of the Parties, with suitable qualifications.

3. The terms of reference and modalities for the operation of the Scientific and Technical Body, including its selection process and the terms of members’ mandates, shall be determined by the Conference of the Parties at its first meeting.

Article [---] Secretariat

1. A Secretariat is hereby established.

2. The functions of the Secretariat shall be:

   (a) To make arrangements for meetings of the Conference of the Parties and its subsidiary bodies and to provide them with services as required;
(b) To facilitate assistance to Parties, particularly developing country Parties and Parties with economies in transition, on request, in the implementation of this Convention;

(c) To coordinate, as appropriate, with the secretariats of relevant international bodies;

(d) To assist Parties in the exchange of information related to the implementation of this Convention;

(e) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(f) To perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.

3. The secretariat functions for this Convention shall be performed by [--].

PART VI FINAL PROVISIONS

Article [--]. Settlement of disputes

1. Parties shall seek to settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party [that is not a regional economic integration organization] may declare in a written instrument submitted to the Depositary that, with regard to any dispute concerning the interpretation or application of this Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) Arbitration in accordance with the procedure set out in [part [--]/annex [--]; and

(b) Submission of the dispute to the International Court of Justice.

3. A Party that is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2.

4. A declaration made pursuant to paragraph 2 or 3 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall in no way affect proceedings pending before an arbitral tribunal or the International Court of Justice, unless the parties to the dispute otherwise agree.

6. If the parties to a dispute have not accepted the same means of dispute settlement pursuant to paragraph 2 or 3, and if they have not been able to settle their dispute through the means mentioned in paragraph 1 within twelve months following notification by one Party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any party to the dispute. The procedure set out in [part [--]/annex [--] shall apply to conciliation under this article.

Article [--]. Amendments to the Convention

1. Amendments to this Convention may be proposed by any Party.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate the proposed amendment to the signatories to this Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a [---] majority vote of the Parties present and voting at the meeting.

4. An adopted amendment shall be communicated by the Depositary to all Parties for ratification, acceptance or approval.

5. Ratification, acceptance or approval of an amendment shall be notified to the Depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having consented to be bound by it on the [---] day after the date of deposit of instruments of ratification, acceptance or approval by at least [---] of the Parties that were Parties at the time at which the amendment was adopted. Thereafter, the amendment shall enter into force for any other Party on the [---] day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment.

Article [---]. Adoption and amendments of annexes

1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.

2. Any additional annexes adopted after the entry into force of this Convention shall be restricted to procedural, scientific, technical or administrative matters.

3. The procedure set out in [paragraph --] shall apply to the proposal, adoption and entry into force of additional annexes to this Convention.

4. The procedure set out in [paragraph --] shall apply to the proposal, adoption and entry into force of amendments to annexes to this Convention.

Article [---]. Right to vote

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2.

2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to [the number of its member States that are Parties to this Convention]. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

Article [---]. Signature

This Convention shall be opened for signature at [---], by all States and regional economic integration organizations from [---] to [---], and at the United Nations Headquarters in New York from [---] to [---].

Article [---]. Ratification, acceptance, approval or accession
1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization that becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Convention. Any such organization shall also inform the Depositary, who shall in turn inform the Parties, of any relevant modification of the extent of its competence.

4. Each State or regional economic integration organization is encouraged to transmit to the Secretariat at the time of its ratification, acceptance, approval or accession of the Convention information on its measures to implement the Convention.

5. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with regard to it, any amendment to an annex shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

**Article [--]. Entry into force**

1. This Convention shall enter into force on the [--] day after the date of deposit of the [--] instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the [--] instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the [--] day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.

**Article [--]. Reservations**

No reservations may be made to this Convention.

**Article [--]. Withdrawal**

1. At any time after [--] years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.
Article [--]. Depositary

[---] shall be the Depositary of this Convention.

Article [--]. Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary.