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**Intergovernmental negotiating committee to develop  
an international legally binding instrument on plastic  
pollution, including in the marine environment  
First session**

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Item 4 of the provisional agenda\*

**Preparation of an international legally binding instrument on  
plastic pollution, including in the marine environment**

**Description of standard articles on final provisions that are  
typically included in multilateral environmental agreements**

**Note by the secretariat**

1. Pursuant to paragraph 5 of United Nations Environment Assembly resolution 5/14 of 2 March 2022, entitled “End plastic pollution: towards an international legally binding instrument”, an ad hoc open-ended working group met in Dakar from 30 May to 1 June 2022 to prepare for the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment. The open-ended working group agreed on a list of documents that the secretariat would provide to the intergovernmental negotiating committee at its first session. Among other things, the secretariat was requested to provide a “description of standard articles on final provisions that are typically included in multilateral environmental agreements”.
2. In response to that request, the secretariat has developed background information on established practice for developing final provisions, which is set out in the annex to the present note. The secretariat has also compiled a set of draft standard articles on final provisions, which are set out in the appendix to the annex.

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\* UNEP/PP/INC.1/1.

## Annex

### Description of standard articles on final provisions that are typically included in multilateral environmental agreements

1. According to established practice, **a treaty usually consists of the following parts:** title, preamble, main text, final provisions (also known as final clauses), testimonium and signature block, and annexes/appendices, as needed. The “final provisions” or “final clauses” are provisions typically found at the end of a treaty, dealing with signature, ratification, acceptance, approval, accession, withdrawal/denunciation, termination, amendment and review, the status of annexes, reservations, entry into force, settlement of disputes, depositary matters and authentic texts.<sup>1</sup> Such provisions relate to procedural aspects and allow for the easy operation of the treaty. Although the text of the final provisions is heavily modelled on established practice, the wording may vary depending on the nature and content of the specific treaty, and lack of precision may have an impact on the actual implementation of the substantive provisions.
2. It should be noted that, **for multilateral treaties to be deposited with the Secretary-General, it is important that, before the adoption of the treaty, the draft final provisions of the negotiated text be reviewed by the Treaty Section of the Office of Legal Affairs**, which discharges the functions of the Secretary-General in his or her capacity as depositary of multilateral treaties. In addition, the final clauses may address the relationship of the treaty to other treaties, its duration, provisional application, territorial application and registration.
3. According to the 1969 Vienna Convention on the Law of Treaties,<sup>2</sup> “[t]he provisions of a treaty regulating the authentication of its text, the establishment of the consent of States to be bound by the treaty, the manner or date of its entry into force, reservations, the functions of the depositary and other matters arising necessarily before the entry into force of the treaty apply from the time of adoption of its text” (art. 24, para. 4). This means that, **upon adoption of the treaty and before its entry into force, because of their nature and objective, certain final clauses produce legal effects.**
4. **The draft standard articles set out in the appendix to the present annex are based on similar provisions in existing global multilateral treaties in the field of the environment**, often referred to as multilateral environmental agreements, including the following (listed chronologically, in the order of their adoption, starting with the most recent):
  - (a) Minamata Convention on Mercury, 2013;<sup>3</sup>
  - (b) Stockholm Convention on Persistent Organic Pollutants, 2001;<sup>4</sup>
  - (c) Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 1998;<sup>5</sup>
  - (d) United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, 1994;<sup>6</sup>
  - (e) United Nations Framework Convention on Climate Change, 1992;<sup>7</sup> and the Paris Agreement, 2015;
  - (f) Convention on Biological Diversity, 1992;<sup>8</sup>
  - (g) Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal, 1989;<sup>9</sup>
  - (h) Vienna Convention for the Protection of the Ozone Layer, 1985.<sup>10</sup>

<sup>1</sup> *Treaty Handbook* (United Nations publication, Sales No. E.12.V.1). .

<sup>2</sup> United Nations, *Treaty Series*, vol. 1155, no. 18232.

<sup>3</sup> United Nations, *Treaty Series*, vol. 3202, no. 54669.

<sup>4</sup> United Nations, *Treaty Series*, vol. 2256, no. 40214.

<sup>5</sup> United Nations, *Treaty Series*, vol. 2244, no. 39973.

<sup>6</sup> United Nations, *Treaty Series*, vol. 1954, no. 33480.

<sup>7</sup> United Nations, *Treaty Series*, vol. 1771, no. 30822.

<sup>8</sup> United Nations, *Treaty Series*, vol. 1760, no. 30619.

<sup>9</sup> United Nations, *Treaty Series*, vol. 1673, no. 28911.

<sup>10</sup> United Nations, *Treaty Series*, vol. 1513, no. 26164.

5. **Final provisions tend to be very similar among the multilateral environmental agreements.** The draft final provisions in the appendix have been reproduced from the multilateral environmental agreement text on which they are based, especially the most recently negotiated multilateral environmental agreements, without material alteration and without editing, with the articles of the multilateral environmental agreements studied specified in the footnotes. While several regional multilateral environmental agreements have been negotiated over time, the focus in this document is on the global multilateral environmental agreements. The final clauses of regional multilateral environmental agreements are similar to those of global multilateral environmental agreements but may include elements relevant to the regional character of the agreement, such as limitations as to the signature, ratification, acceptance, approval and accession by countries of a specific geographic region.<sup>11</sup>

6. Additionally, **agreements/protocols have been negotiated by parties to multilateral environmental agreements to supplement, further clarify or provide more details on a specific aspect of those multilateral environmental agreements**, such as the Kyoto Protocol and the Paris Agreement to the United Nations Framework Convention on Climate Change or the Cartagena and the Nagoya Protocols under the Convention on Biological Diversity. Those agreements/protocols have the same legal characteristics as treaties but are usually open to participation by the parties to the parent agreement (convention) and include by reference the final clauses of that parent agreement. In the present document, the Paris Agreement, being the most recently adopted supplementary agreement to a multilateral environmental agreement, has been used as an example.

7. The draft standard articles on final provisions proposed in the appendix to the present annex also refer to a “convention”. This is done for ease of reference and because most of the multilateral environmental agreements studied for this document are “conventions”, and is not intended to anticipate how the intergovernmental negotiating committee will define the international legally binding instrument under negotiation.<sup>12</sup> Many convention provisions, such as those on dispute settlement, also apply to protocols negotiated under those conventions.

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<sup>11</sup> See for example, art. 21 of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) or art. 19 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

<sup>12</sup> See also the Vienna Convention on the Law of Treaties, art. 2, para. 1 (a).

## Appendix to the annex

### Draft standard articles on final provisions

#### Article [--]. Settlement of disputes<sup>1</sup>

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 Depository 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 [--];<sup>2</sup> 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 Depository.
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.

**Example of a part/annex setting out an arbitration and conciliation procedure (in accordance with paras. 2 (a) and 6 of the article entitled “Settlement of disputes”)<sup>a</sup>**

**Arbitration and conciliation procedure**

**A. Arbitration procedure**

The arbitration procedure for the purposes of paragraph [--] of article [--] of this Convention shall be as follows:

<sup>a</sup> Text similar to that presented here would appear in an annex to the convention. The text draws on the Minamata Convention, Annex E, and the Stockholm Convention on Persistent Organic Pollutants, Annex G. See also the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Annex VI; the Convention on Biological Diversity, Annex II; and the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal, Annex VI.

<sup>1</sup> Minamata Convention, art. 25; Stockholm Convention on Persistent Organic Pollutants, art. 18; Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, art. 20; Convention to Combat Desertification, art. 28; Framework Convention on Climate Change, art. 14; Convention on Biological Diversity, art. 27; Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal, art. 20; Vienna Convention for the Protection of the Ozone Layer, art. 11. According to art. 24 of the Paris Agreement, “The provisions of Article 14 of the [Framework] Convention [on Climate Change] on settlement of disputes shall apply *mutatis mutandis* to this Agreement.” For additional considerations relating to these provisions, see document UNEP/PP/INC.1/5.

<sup>2</sup> Some multilateral environmental agreements provide for the adoption of dispute settlement procedures by the Conference of the Parties at its first session upon the entry into force of the instrument, or as soon as soon as practicable.

**Article 1**

1. A Party may initiate recourse to arbitration in accordance with article [--] of this Convention by written notification addressed to the other party or parties to the dispute. The notification shall be accompanied by a statement of claim, together with any supporting documents. Such notification shall state the subject matter of arbitration and include, in particular, the articles of this Convention the interpretation or application of which are at issue.

2. The claimant party shall notify the Secretariat that it is referring a dispute to arbitration pursuant to article [--] of this Convention. The notification shall be accompanied by the written notification of the claimant party, the statement of claim, and the supporting documents referred to in paragraph 1 above. The Secretariat shall forward the information thus received to all Parties.

**Article 2**

1. If a dispute is referred to arbitration in accordance with article 1 above, an arbitral tribunal shall be established. It shall consist of three members.

2. Each party to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by agreement the third arbitrator, who shall be the President of the tribunal. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement. The President of the tribunal shall not be a national of any of the parties to the dispute, nor have his or her usual place of residence in the territory of any of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

**Article 3**

1. If one of the parties to the dispute does not appoint an arbitrator within two months of the date on which the respondent party receives the notification of the arbitration, the other party may inform the Secretary-General of the United Nations, who shall make the designation within a further two-month period.

2. If the President of the arbitral tribunal has not been designated within two months of the date of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a party, designate the President within a further two-month period.

**Article 4**

The arbitral tribunal shall render its decisions in accordance with the provisions of this Convention and international law.

**Article 5**

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

**Article 6**

The arbitral tribunal may, at the request of one of the parties to the dispute, recommend essential interim measures of protection.

**Article 7**

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

- (a) Provide it with all relevant documents, information and facilities; and
- (b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

**Article 8**

The parties to the dispute and the arbitrators are under an obligation to protect the confidentiality of any information or documents that they receive in confidence during the proceedings of the arbitral tribunal.

**Article 9**

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs and shall furnish a final statement thereof to the parties.

**Article 10**

A Party that has an interest of a legal nature in the subject matter of the dispute that may be affected by the decision may intervene in the proceedings with the consent of the arbitral tribunal.

**Article 11**

The arbitral tribunal may hear and determine counterclaims arising directly out of the subject matter of the dispute.

**Article 12**

Decisions of the arbitral tribunal on both procedure and substance shall be taken by a majority vote of its members.

**Article 13**

1. If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its decision. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings.

2. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

**Article 14**

The arbitral tribunal shall render its final decision within five months of the date on which it is fully constituted, unless it finds it necessary to extend the time limit for a period that should not exceed five more months.

**Article 15**

The final decision of the arbitral tribunal shall be confined to the subject matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

**Article 16**

The final decision shall be binding on the parties to the dispute. The interpretation of this Convention given by the final decision shall also be binding upon a Party intervening under article 10 above insofar as it relates to matters in respect of which that Party intervened. The final decision shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

**Article 17**

Any disagreement that may arise between those bound by the final decision in accordance with article 16 above, as regards the interpretation or manner of implementation of that final decision, may be submitted by any of them for decision to the arbitral tribunal that rendered it.

**B. Conciliation procedure**

The conciliation procedure for purposes of paragraph [--] of article [--] of this Convention shall be as follows:

**Article 1**

A request by a party to a dispute to establish a conciliation commission pursuant to paragraph [--] of article [--] of this Convention shall be addressed in writing to the Secretariat, with a copy to the other party or parties to the dispute. The Secretariat shall forthwith inform all Parties accordingly.

**Article 2**

1. The conciliation commission shall, unless the parties to the dispute otherwise agree, comprise three members, one appointed by each party concerned and a President chosen jointly by those members.

2. In disputes between more than two parties, parties in the same interest shall appoint their member of the commission jointly by agreement.

**Article 3**

If any appointment by the parties to the dispute is not made within two months of the date of receipt by the Secretariat of the written request referred to in article 1 above, the Secretary-General of the United Nations shall, upon request by any party, make such appointment within a further two-month period.

**Article 4**

If the President of the conciliation commission has not been chosen within two months of the appointment of the second member of the commission, the Secretary-General of the United Nations shall, upon request by any party to the dispute, designate the President within a further two-month period.

**Article 5**

The conciliation commission shall assist the parties to the dispute in an independent and impartial manner in their attempt to reach an amicable resolution.

**Article 6**

1. The conciliation commission may conduct the conciliation proceedings in such a manner as it considers appropriate, taking fully into account the circumstances of the case and the views the parties to the dispute may express, including any request for a swift resolution. It may adopt its own rules of procedure as necessary, unless the parties otherwise agree.

2. The conciliation commission may, at any time during the proceedings, make proposals or recommendations for a resolution of the dispute.

**Article 7**

The parties to the dispute shall cooperate with the conciliation commission. In particular, they shall endeavour to comply with requests by the commission to submit written materials, provide evidence and attend meetings. The parties and the members of the conciliation commission are under an obligation to protect the confidentiality of any information or documents they receive in confidence during the proceedings of the commission.

**Article 8**

The conciliation commission shall take its decisions by a majority vote of its members.

**Article 9**

Unless the dispute has already been resolved, the conciliation commission shall render a report with recommendations for resolution of the dispute no later than twelve months of being fully constituted, which the parties to the dispute shall consider in good faith.

**Article 10**

Any disagreement as to whether the conciliation commission has competence to consider a matter referred to it shall be decided by the commission.

**Article 11**

The costs of the conciliation commission shall be borne by the parties to the dispute in equal shares, unless they agree otherwise. The commission shall keep a record of all its costs and shall furnish a final statement thereof to the parties.

**Article [--]. Amendments to the Convention<sup>3</sup>**

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

<sup>3</sup> Minamata Convention, art. 26; Stockholm Convention, art. 21; Rotterdam Convention, art. 21; Convention to Combat Desertification, art. 30; Framework Convention on Climate Change, art. 15; Convention on Biological Diversity, art. 29; Basel Convention, art. 17; Vienna Convention for the Protection of the Ozone Layer, art. 9. According to art. 22 of the Paris Agreement, "The provisions of Article 15 of the [Framework] Convention [on Climate Change] on the adoption of amendments to the Convention shall apply *mutatis mutandis* to this Agreement." For additional considerations relating to these provisions, see document UNEP/PP/INC.1/5.

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 three-fourths majority vote<sup>4</sup> 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 ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three-fourths 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 ninetieth 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<sup>5</sup>**

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 following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:

(a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs [--] of article [--];<sup>6</sup>

(b) Any Party that is unable to accept an additional annex shall so notify the Depositary, in writing, within one year from the date of communication by the Depositary of the adoption of such annex. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time notify the Depositary, in writing, that it withdraws a previous notification of non-acceptance in respect of an additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c); and

(c) On the expiry of one year from the date of the communication by the Depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification of non-acceptance in accordance with the provisions of subparagraph (b).

<sup>4</sup> Adoption of an amendment by a three-fourths majority is provided for in the Minamata Convention, the Rotterdam Convention, the Stockholm Convention, the Basel Convention, the Vienna Convention for the Protection of the Ozone Layer and the Framework Convention on Climate Change, while adoption of an amendment by a two-thirds majority is provided for in the Convention on Biological Diversity and in the Convention to Combat Desertification.

<sup>5</sup> A treaty may specify an amendment procedure for its annexes that differs from the procedure for the main body text. See also Minamata Convention, art. 27; Stockholm Convention, art. 22; Rotterdam Convention, art. 22, which in addition includes specific procedures regarding the amendment of Annex III to that convention; Convention to Combat Desertification, art. 31; Framework Convention on Climate Change, art. 16; Convention on Biological Diversity, art. 30; Basel Convention, art. 18; Vienna Convention for the Protection of the Ozone Layer, art. 10. According to art. 23 of the Paris Agreement “The provisions of Article 16 of the [Framework] Convention [on Climate Change] on the adoption and amendment of annexes to the Convention shall apply *mutatis mutandis* to this Agreement.” In addition, according to art. 2, paras. 9 and 10, in conjunction with art. 11, of the Montreal Protocol on Substances that Deplete the Ozone Layer, parties may decide whether adjustments to annexes should be made based on assessment of control and review measures under art. 6. For additional considerations relating to these provisions, see document UNEP/PP/INC.1/5.

<sup>6</sup> This refers to the provisions on amendments to the Convention. While amendments to a treaty are usually proposed by any party, see also Rotterdam Convention, art. 5, providing the possibility for the Chemical Review Committee to recommend to the Conference of the Parties that Annex III to the Convention be amended.



4. The proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the Convention.<sup>7</sup>

5. If an additional annex or an amendment to an annex is related to an amendment to this Convention, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention enters into force.

#### **Article [--]. Right to vote<sup>8</sup>**

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<sup>9</sup>**

This Convention shall be opened for signature at [--], by all States and regional economic integration organizations from [--] to [--],<sup>10</sup> and at the United Nations Headquarters in New York from [--] to [--].

#### **Article [--]. Ratification, acceptance, approval or accession<sup>11</sup>**

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.

<sup>7</sup> The Minamata Convention text continues: "... except that an amendment to an annex shall not enter into force with regard to any Party that has made a declaration with regard to amendment of annexes in accordance with paragraph 5 of article 30, in which case any such amendment shall enter into force for such a Party on the ninetieth day after the date it has deposited with the Depositary its instrument of ratification, acceptance, approval or accession with respect to such amendment", where para. 5 of art. 30 provides the possibility for a party to opt out of the special procedure for the entry into force of amendments to an annex: "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."

<sup>8</sup> Minamata Convention, art. 28; Stockholm Convention, art. 23; Rotterdam Convention, art. 23; Convention to Combat Desertification, art. 32; Framework Convention on Climate Change, art. 18, and Paris Agreement, art. 25; Convention on Biological Diversity, art. 31; Basel Convention, art. 24; Vienna Convention for the Protection of the Ozone Layer, art. 15.

<sup>9</sup> Minamata Convention, art. 29; Stockholm Convention, art. 24; Rotterdam Convention, art. 24; Convention to Combat Desertification, art. 33; Framework Convention on Climate Change, art. 20, and Paris Agreement, art. 20 (limiting signature to States and regional economic integration organizations that are Parties to the Convention); Convention on Biological Diversity, art. 33; Basel Convention, art. 21; Vienna Convention for the Protection of the Ozone Layer, art. 12.

<sup>10</sup> The first place of signature is the place of the adoption of the instrument, and thereafter the United Nations Headquarters, where the Depositary is located.

<sup>11</sup> Minamata Convention, art. 30 (with paras. 4 and 5 here specific to the Minamata Convention); Stockholm Convention, art. 25; Rotterdam Convention, art. 25; Convention to Combat Desertification, art. 34; Framework Convention on Climate Change, art. 22, and Paris Agreement, art. 20 (limiting ratification, acceptance or approval to States and regional economic integration organizations that are parties to the Convention); Convention on Biological Diversity, arts. 34 and 35; Basel Convention, arts. 22 and 23; Vienna Convention for the Protection of the Ozone Layer, arts. 13 and 14.

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<sup>12</sup>**

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.<sup>13</sup>

2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth 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<sup>14</sup>**

No reservations may be made to this Convention.

### **Article [--]. Withdrawal<sup>15</sup>**

1. At any time after three 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.

<sup>12</sup> Minamata Convention, art. 31; Stockholm Convention, art. 26; Rotterdam Convention, art. 26; Convention to Combat Desertification, art. 36; Framework Convention on Climate Change, art. 23, and Paris Agreement, art. 21, which reads: "This Agreement shall enter into force on the thirtieth day after the date on which at least 55 Parties to the [Framework] Convention [on Climate Change] accounting in total for at least an estimated 55 per cent of the total global greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval or accession"; Convention on Biological Diversity, art. 36; Basel Convention, art. 25; Vienna Convention for the Protection of the Ozone Layer, art. 17. For additional considerations relating to these provisions, see document UNEP/PP/INC.1/5.

<sup>13</sup> This is the case for the Minamata Convention, the Rotterdam Convention, the Stockholm Convention, the Convention to Combat Desertification and the Framework Convention on Climate Change. The Vienna Convention for the Protection of the Ozone Layer, the Basel Convention and the Convention on Biological Diversity were to enter into force on the ninetieth day after the date of deposit of the twentieth, twentieth and thirtieth instrument, respectively.

<sup>14</sup> Minamata Convention, art. 32; Stockholm Convention, art. 27; Rotterdam Convention, art. 27; Convention to Combat Desertification, art. 37; Framework Convention on Climate Change, art. 24, and Paris Agreement, art. 27; Convention on Biological Diversity, art. 37; Basel Convention, art. 26; Vienna Convention for the Protection of the Ozone Layer, art. 18. For additional considerations relating to this provision, see document UNEP/PP/INC.1/5.

<sup>15</sup> Minamata Convention, art. 33; Stockholm Convention, art. 28; Rotterdam Convention, art. 28; Convention to Combat Desertification, art. 38; Framework Convention on Climate Change, art. 25, and Paris Agreement, art. 28 (including additionally that "Any Party that withdraws from the Convention shall be considered as also having withdrawn from this Agreement"; Convention on Biological Diversity, art. 38; Basel Convention, art. 27; Vienna Convention for the Protection of the Ozone Layer, art. 19. For additional considerations relating to these provisions, see document UNEP/PP/INC.1/5.

**Article [--]. Depositary<sup>16</sup>**

The Secretary-General of the United Nations shall be the Depositary of this Convention.

**Article [--]. Authentic texts<sup>17</sup>**

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.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at [--] on this day of [--], [--].

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ADVANCE

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<sup>16</sup> Minamata Convention, art. 34; Stockholm Convention, art. 29; Rotterdam Convention, art. 29; Convention to Combat Desertification, art. 39; Framework Convention on Climate Change, art. 19, and Paris Agreement, art. 26; Convention on Biological Diversity, art. 41; Basel Convention, art. 28; Vienna Convention for the Protection of the Ozone Layer, art. 20.

<sup>17</sup> Minamata Convention, art. 35; Stockholm Convention, art. 30; Rotterdam Convention, art. 30; Convention to Combat Desertification, art. 40; Framework Convention on Climate Change, art. 26, and Paris Agreement, art. 29; Convention on Biological Diversity, art. 42; Basel Convention, art. 29; Vienna Convention for the Protection of the Ozone Layer, art. 21.