

[[European Forest Convention (EU)] / [Forest Convention (UA, GA, KZ, BY, CH, RU)] / [Convention on Forests (RU, CH, KG)]¹

Preamble

The Parties to this Convention,

Recognizing that forests provide multiple economic, social, cultural and environmental benefits and opportunities for future development, and *emphasizing* that forests and sustainable forest management play a vital role in achieving sustainable development and the internationally agreed development goals, *inter alia* by contributing to a green economy, climate change mitigation and adaptation, providing renewable raw material, energy supply, biodiversity, water and soil protection and other ecosystem services, the protection of society against natural hazards, as well as contributing to job creation, innovation entrepreneurship, social equity and gender equality, (agreed ad ref.)

Being aware that the increasing and changing multiple needs of society related to forests and forest land, including wood materials and energy, as well as the changing environment and climate, which put at risk the health, biodiversity, vitality, resilience and productivity of forests as well as their role in combating desertification, and hence their multiple economic, social and environmental benefits, demand new strategic, comprehensive and consistent approaches, (agreed ad ref.)

Emphasizing that sustainable forest management is a key component of integrated land-use policies and management, and *being convinced* about the need for stronger cooperation, synergies and greater coherence in forest-related policy-making, including in rural development, food security, water, soil protection, energy, urban planning, biological diversity and climate change, (agreed ad ref.)

Recognizing the importance of secure property and tenure rights, transparency and measures to enable and encourage stakeholder participation and dialogue in development and implementation of sustainable forest management, and the need to take measures to improve understanding and exchange of information with stakeholders, (agreed ad ref.)

Recognizing the importance of good governance and forest law enforcement, as well as efficient measures to eliminate illegal harvesting of timber and associated trade and to promote sustainable consumption and production, (agreed ad ref.)

Reaffirming all the principles of the Rio Declaration on Environment and Development, *inter alia*, Principle 2 that declares that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and development policies and the

¹ Text that has not been agreed and where further consideration is required is shown in square brackets. Round brackets are used for notes.

responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction, and also *reaffirming* our commitment to fully implement this Declaration, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Declaration on Sustainable Development and the Plan of Implementation), and outcome document of the United Nations Conference on Sustainable Development entitled “The Future We Want” (Rio +20), (agreed ad ref.)

Recalling the United Nations Declaration on the Rights of Indigenous Peoples and acknowledging its relevance in the context of implementing this Convention, (agreed ad ref.)

Reaffirming our commitments to achieve the internationally agreed development goals including the Millennium Development Goals and our respective commitments to other relevant internationally agreed goals in the economic, social and environmental fields, including the Aichi Biodiversity Targets of the Convention on Biological Diversity and the climate change commitments, (agreed ad ref.)

Recalling the Non-Legally Binding Instrument on All Types of Forests and the Four Global Objectives on Forests therein; and *recognizing* the importance of international cooperation and of sustainable forest management as a dynamic concept in implementing the decisions taken under the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, the Convention on Wetlands of International Importance especially as Waterfowl Habitat, as well as in other global and regional instruments relevant to forests, (agreed ad ref.)

Recalling the vision, goals, declarations, resolutions and decisions made by FOREST EUROPE (Ministerial Conference on the Protection of Forests in Europe), and the achievements in their implementation, including in developing and applying tools and guidelines for sustainable forest management, (agreed ad ref.)

Recognizing the need to establish a legally binding agreement to ensure or reinforce sustainable forest management, ensure multifunctionality of forests, avoid fragmentation of forest related policies and to complement and promote existing international, regional and subregional agreements, cooperation and initiatives to this end, (agreed ad ref.)

Have agreed as follows:

Article 1. Terms and definitions

For the purpose of this Convention:

- (a) “Forest”: each Party in each national territory is entitled to apply its own definition of forests in its national forest legislation. For the purpose of this Convention, “forest” means an area of land spanning more than 0.5 hectares with trees higher than 5 meters and a canopy cover of more than 10 percent, or trees able to reach these thresholds *in situ*. It does not include land that is predominantly under agricultural or urban land use. If a Party chooses to apply its own forest definition, for the purpose of this Convention, the Party shall provide the definition in writing to the Secretariat; (agreed ad ref.)
- (b) “Sustainable forest management” means the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfill, now and in the future, relevant ecological, economic and social functions, at local, national and global levels, and that does not cause damage to other ecosystems; (agreed ad ref.)
- (c) “Criteria for sustainable forest management” characterize or define the essential elements or set of conditions or processes by which sustainable forest management may be assessed; (agreed ad ref.)
- (d) “Forest ecosystem services” means the benefits people obtain from forest ecosystems. These include provisioning, regulating, cultural and supporting services; (agreed ad ref.)
- (e) “Goods” means materials which people create or derive from ecosystem services and are tangible and transportable; (agreed ad ref.)
- (f) “National forest programme” means a comprehensive policy framework aiming at further improvement of sustainable forest management and the contribution to sustainable development, and based on the principles of being a participatory, holistic, intersectoral and iterative process of policy planning, implementation, monitoring and evaluation at the national and/or subnational level; (agreed ad ref.)
- (g) “Forest fragmentation” [[refers to]means (Legal Group - LG)](UA) any process that results in the conversion of continuous forest into patches of forest separated by non-forest lands; (agreed ad ref.)
- (h) “Forest degradation” means changes which adversely affect the structure or function of forests in the long term and thereby lower their capacity to provide a broad range of forest ecosystem services and goods derived from them; (agreed ad ref.)
- (i) “Forest restoration” means management measures applied, *inter alia*, in degraded forests which aim to recover their functions, structure and biodiversity, as well as natural processes of regeneration in these forests; (agreed ad ref.)

- (j) “Illegal harvesting” means harvesting that is in contravention of applicable legislation in the country of harvest; (agreed ad ref.)
- (k) “Regional economic integration organization” means an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it. (agreed ad ref.)

Article 2. Objective

The objective of this Convention is:

- (a) To reinforce and strengthen the implementation of sustainable forest management and to ensure multifunctionality of forests and the long-term provision of a broad range of forest ecosystem services and goods derived from them; (agreed ad ref.)
- (b) To enhance the role of forests and forestry in contributing to solving global challenges; (agreed ad ref.)
- (c) To provide a framework for fostering national actions and international cooperation; (agreed ad ref.)
- (d) To maintain, protect, restore and enhance forests, their health, productivity, biodiversity, vitality and resilience to threats and natural hazards, and their capacity to adapt to climate change as well as their role in combating desertification; (agreed ad ref.)
- (e) To ensure that forests contribute effectively to sustainable development, livelihoods and the well-being of society by providing economic, environmental, cultural and social benefits at all levels. (agreed ad ref.)

Article 3. Principles

When implementing this Convention, Parties shall respect the following principles: (agreed ad ref.)

- (a) Each Party is responsible for the sustainable forest management on its own territory and for the development and implementation of its related policies, adequate to its respective national conditions and needs, while recognizing the shared interests and responsibilities concerning forests; (agreed ad ref.)
- (b) Good governance and enabling conditions for sustainable forest management, including clear and secure land tenure and ownership rights, stable and effective

- policies and institutions, adequate legislation, transparency, gender equality and a sound knowledge base, and a balance among economic, social and environmental aspects; (agreed ad ref.)
- (c) Active participation of forest owners and other stakeholders in developing and implementing policies and open and flexible dialogue at all levels; (agreed ad ref.)
 - (d) Cross-sectoral cooperation and coordination with different bodies at all levels and adequate consideration of sustainable forest management in the development of sectoral policies; (agreed ad ref.)
 - (e) Sustainable forest management contributes to the sustainable development of Parties; (agreed ad ref.)
 - (f) This Convention is intended to re-inforce and strengthen the implementation of sustainable forest management in a way that is mutually supportive with existing rights and obligations under other multilateral agreements relevant to this Convention. (agreed ad ref.)

Article 4. General provisions

1. To achieve the objective of this Convention, Parties shall take measures to ensure that sustainable forest management as defined in Article 1, paragraph (b), be implemented taking into account their specific forest conditions and national priorities. (agreed ad ref.)
2. In particular, Parties shall: (agreed ad ref.)
 - (a) Use the following criteria for sustainable forest management as a guiding framework for policy development on forests and their management:
 - i. Maintenance and appropriate enhancement of forest resources and their contribution to global carbon cycles;
 - ii. Maintenance of forest ecosystems' health and vitality;
 - iii. Maintenance and encouragement of productive functions of forests (wood and non-wood);
 - iv. Maintenance, conservation and appropriate enhancement of biological diversity in forest ecosystems;
 - v. Maintenance, conservation and appropriate enhancement of protective functions in forest management (notably soil and water);
 - vi. Maintenance of other socio-economic functions and conditions.(agreed ad ref.)
 - (b) Develop, implement and update national forest programmes or equivalents as a tool for achieving the objectives and implementing the obligations of this Convention at the national level, taking into account the principles of national forest programmes as

laid down in the Annex to Vienna Resolution 1² or any further elaborations on the principles as agreed by the Conference of the Parties, in particular for enabling participation of stakeholders in development and implementation of forest policies; (agreed ad ref.)

- (c) Maintain and/or strengthen enabling conditions for long-term economic viability of sustainable forest management through, *inter alia*, investments and innovation; (agreed ad ref.)
- (d) While implementing the provisions contained in this Convention and in order to promote sustainable forest management, strengthen and enhance international, regional and cross-border cooperation, as well as coordination to foster coherence and avoid duplication of or overlap with the work of relevant international agreements. (agreed ad ref.)

Article 5. Forest resources and their contribution to global carbon cycles

Parties shall have in place or adopt legislative, administrative or other policy measures to:

- (a) Maintain or enhance forest resources and the capacity of forests and forest products to act as carbon sinks and reservoirs, substitution of non-renewable materials and energy, and to contribute to a low carbon emission economy; (agreed ad ref.)
- (b) Reduce forest fragmentation and any negative impacts thereof where they occur, *inter alia* through a balanced approach in land-use planning and measures to enhance connectivity, through forest restoration, reforestation, afforestation, and/or other relevant measures. (agreed ad ref.)

Article 6. Forest health and vitality

Parties shall have in place or adopt legislative, administrative or other policy measures to:

- (a) Maintain and enhance health and vitality and the protective and productive potential of forests and forest soils to provide a broad range of forest ecosystem services and goods derived from them; and implement measures to increase the resilience of forests to natural hazards, to strengthen the role of forests in combating desertification and to address human-induced threats to forests; (agreed ad ref.)

² Vienna Resolution 1, *Strengthen synergies for sustainable forest management in Europe through cross-sectoral co-operation and national forest programmes*, adopted by the Fourth Ministerial Conference on the Protection of Forests in Europe, held in Vienna, Austria, 28-30 April 2003.

- (b) Monitor, prevent and combat forest pests, diseases and fires, including in the context of climate change, and to cooperate with other Parties where it is appropriate; (agreed ad ref.)
- (c) Adapt forest management practices to changing climatic conditions, including by measures for strengthening the adaptive capacity of forests and for reducing forests' vulnerability. (agreed ad ref.)

Article 7. Productive functions of forests

Parties shall have in place or adopt legislative, administrative or other policy measures to:

- (a) Aim to enhance the use of wood from sustainably managed forests, *inter alia* its use as a substitute for non-renewable materials and energy sources, as well as use of non-timber forest products; (agreed ad ref.)
- (b) At regional, subregional and national levels, eliminate illegal harvesting of timber and associated trade and to ensure or strengthen forest law enforcement, in support of sustainable forest management; (agreed ad ref.)
- (c) Integrate the use of sustainably produced forest products into relevant measures for sustainable consumption and production, while promoting fair treatment of forest products. (agreed ad ref.)

Article 8. Forest biodiversity

Parties shall have in place or adopt legislative, administrative or other policy measures to:

- (a) Protect, restore and, where appropriate, increase forest biodiversity at all levels through its effective and efficient integration in sustainable forest management with the aim to halt biodiversity loss and to contribute to reducing forest degradation; (agreed ad ref.)
- (b) Maintain or further develop networks or systems of representative protected forest areas and to apply forest management practices appropriate to the purpose and category of the protected areas; (agreed ad ref.)
- (c) Further the conservation of endemic and threatened species in forests and to prevent and mitigate the negative impacts of those invasive alien species that threaten forest ecosystems. (agreed ad ref.)

Article 9. Protective functions of forests

Parties shall have in place or adopt legislative, administrative or other policy measures to:

- (a) Maintain, enhance or restore protective functions of forests, such as water and soil protection, as well as to contribute, *inter alia*, to the prevention of natural hazards and combating desertification; (agreed ad ref.)
- (b) Enhance the protection of groundwater and surface water resources through appropriate forest management practices, *inter alia*, through afforestation and, if applicable, in the framework of integrated basin management, including through cross-border cooperation, as deemed appropriate; (agreed ad ref.)
- (c) Support the protective functions of forests by identifying and compiling relevant information for awareness-raising, decision-making and strengthening inter-sectoral cooperation. (agreed ad ref.)

Article 10. Socio-economic functions of forests

Parties shall have in place or adopt legislative, administrative or other policy measures to:

- (a) Ensure that social and cultural benefits from forests, including recreation, human health and well-being, the preservation and promotion of the forest-related historic cultural heritage and gender equality, are taken into account in sustainable forest management; (agreed ad ref.)
- (b) Broaden and diversify the financial basis for sustainable forest management by taking into account the values of forest ecosystem services, in particular their regulating, cultural and supporting services, in national forest programmes or equivalents and facilitate the development and implementation of measures and innovative financing instruments, such as payments for ecosystem services, as appropriate; (agreed ad ref.)
- (c) Aim to increase the contribution of forests to sustainable development, and, in particular, to rural development, livelihoods and employment, ensuring healthy and safe work places according to international labour standards and taking into account gender equality; (agreed ad ref.)
- (d) Improve the use of scientific and traditional forest-related knowledge in policy development, decision-making and innovation, and to promote training and education in sustainable forest management; (agreed ad ref.)
- (e) Facilitate communication between policy-makers and all stakeholders, including forest owners and managers, practitioners, the scientific community and non-governmental organizations, in order to improve policy development and

implementation and to increase awareness of sustainable forest management. (agreed ad ref.)

Article 11. Monitoring and reporting

1. Parties shall monitor and analyse or assess on a regular basis the status and development of their forests, and analyse or assess the progress in implementation of sustainable forest management, using the criteria for sustainable forest management referred to in paragraph 2 (a) of Article 4 of this Convention and indicators established by the Conference of the Parties. (agreed ad ref.)
2. Parties shall report, through the Secretariat, to the Conference of the Parties on a periodic basis as determined by the Conference of the Parties:
 - (a) Information on the measures it has taken to implement this Convention;
 - (b) Information on the status and development of their forests and progress in implementation of sustainable forest management, using the criteria and indicators for sustainable forest management referred to in paragraph 1 of this Article and using, as far as applicable, reports used for the regular Global Forest Resources Assessment of the Food and Agriculture Organization of the United Nations;

as well as ensure that such information is available to the public within their national territory.

Article 12. Conference of the Parties

1. A Conference of the Parties is hereby established.
2. The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of this Convention. To this end, it shall:
 - (a) Take, within its mandate, the decisions necessary to promote the effective implementation of this Convention;
 - (b) Periodically examine the obligations of the Parties and the institutional arrangements under this Convention, including the compliance mechanism in the light of the objective of this Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge;
 - (c) Recommend future actions needed to enhance implementation, including developing guidelines, tools and guidance;
 - (d) Promote and facilitate the exchange of information on measures adopted by the Parties for and experience gained in implementing sustainable forest management;

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- (e) Establish, at its first session, a programme of work and review it at each ordinary session;
 - (f) Cooperate, where appropriate, with relevant international organizations, processes and intergovernmental and non-governmental bodies and organizations;
 - (g) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention;
 - (h) Consider reports and recommendations submitted by its subsidiary bodies and provide guidance to them; and
 - (i) Consider and, where appropriate, recommend and/or undertake any additional action within the framework of this Convention that may be required for the achievement of the objective of this Convention.
3. The Conference of the Parties shall, at its first session, adopt by consensus the rules of procedure for itself and any of its subsidiary bodies and financial arrangements governing the entire Convention, including those necessary for the functioning of the Secretariat.
 4. The first session of the Conference of the Parties shall be convened [by the Head[s] of xxx (CH) and shall take place] not later than one year after the date of entry into force of the Convention. Ordinary sessions of the Conference of the Parties shall be held every third year unless otherwise decided by it. However, the second session shall be held not later than two years after the first.
 5. Extraordinary sessions 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.
 6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State or regional economic integration organization which is a member thereof or an observer thereto not a Party to this Convention may be represented at sessions of the Conference of the Parties as observers. **Any other [governmental](UA,RU) intergovernmental or non-governmental organization, body or agency, that is qualified in matters of this Convention and has informed the Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be admitted [unless at least [one-third] of the Parties present object] / [on a non-objective basis (RU, RS)] / [~~on a non-objective basis~~ (EU, CH, NO)]. The admission and participation of observers shall be subject to the Rules of Procedure adopted by the Conference of the Parties.**

Article 13. Right to vote

1. Except as provided for in paragraph 2 in this Article, each Party to this Convention shall have one vote.
2. [Regional economic integration organizations, on matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States [present in the session (UA, RU, CH, NO, IS, TR, RS)] (EU) which are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs, and *vice versa*.]

Article 14. Secretariat

1. A Secretariat is hereby established.
2. **[The secretariat functions for this Convention shall be performed by [FAO, UNECE, UNEP and EFI (EU)] / [UNECE (RU)] / [UNECE, FAO and UNEP (CH)] / [FAO in cooperation with UNECE and UNEP (NO)] unless the Conference of the Parties decides by consensus to entrust the secretariat functions to one or more other [competent (CH)] international or intergovernmental organizations. (EU). [The heads of UNECE, FAO and UNEP shall set out details of their work-sharing arrangements in a memorandum of understanding to be adopted and subsequently reviewed on a regular basis by the Conference of the Parties (CH)]]**
3. The functions of the Secretariat shall be:
 - (a) To make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under this Convention and to provide them with services as required;
 - (b) To compile, transmit and make available reports pursuant to Article 11 of this Convention;
 - (c) To facilitate assistance to the Parties, on request, in the compilation and communication of information required in accordance with the provisions of this Convention;
 - (d) To report on its activities to the Conference of the Parties;
 - (e) To cooperate, as appropriate, with relevant international organizations, processes and intergovernmental and non-governmental bodies and organizations, including in particular the secretariats of agreements relevant to this Convention;
 - (f) 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

- (g) To perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.
4. [[The Conference of the Parties, at its first session, shall make arrangements [for the functioning of the secretariat] / **[for the effective discharge of the functions of the secretariat (EU, NO)]** / ~~[The Conference of the Parties, at its first session, shall make arrangements for the functioning of the secretariat [in a cost-effective manner (EU) (CH, RU)]]~~ (CH, RU, UA, RS, KZ) .

Article 15. Compliance

1. Each Party shall take all appropriate measures within its competence to ensure compliance with this Convention and any measures in effect pursuant to it.
2. In accordance with the procedure established by the Conference of the Parties the Secretariat, drawing on the necessary technical expertise, shall review, analyse, compile and report on the information submitted by Parties according to paragraph 2(b) of Article 11.
3. Each Party shall have the opportunity to consider the reports submitted by other Parties, pursuant to paragraph 2 of Article 11, and to seek clarification of such reports, in accordance with procedures developed by the Conference of the Parties.
4. A Compliance Committee to monitor and promote compliance and address cases of non-compliance with the provisions of this Convention is hereby established. The Committee shall be facilitative, non-confrontational, transparent, cooperative and recommendatory in nature. The Committee:
 - (a) Shall consist of nine members comprising both legal and technical experts relevant to sustainable forest management, nominated by Parties and elected by **[consensus by (RU, UA)]** (EU, NO, CH) the Conference of the Parties on the basis of equitable geographical representation and with due consideration given to gender balance, and be subject to periodic rotation. Members shall serve in their personal capacity and in the best interests of this Convention;
 - (b) Shall review periodically compliance by the Parties with the reporting requirements of this Convention;
 - (c) Shall conduct regular reviews of each Party's compliance with this Convention based on its reports as compiled by the Secretariat;
 - (d) Shall consider any question of compliance with this Convention that it becomes aware of unless it considers the issue to be manifestly ill-founded or *de minimis*. It shall consider such questions on the basis of:

- i. National reports and reporting requirements under paragraph 2 of Article 11 referred to it by the Secretariat;
 - ii. Written submissions from any Party; or
 - iii. Requests from the Conference of the Parties, including those based on the outcome of the review process as referred to in paragraphs 2 and 3 of this Article;
- (e) May provide advice and facilitate assistance to individual Parties and groups of Parties in order to facilitate their implementation of and/or compliance with this Convention on their request;
- (f) Shall report regularly to the Conference of the Parties on all aspects of its work;
- (g) May consider and bring to the attention of the Conference of the Parties systemic or general issues related to compliance of interest to all Parties;
- (h) After consultation with the Party concerned, shall make recommendations for consideration to the Conference of the Parties or Parties found to be in non-compliance, as it considers appropriate;
- (i) Shall make its reports available to the public;
- (j) [In carrying out its functions the Committee may consider **any credible** and relevant information. (CH, NO, RU)] / [In carrying out its functions the Committee may consider **any information it deems credible and relevant** (EU, CH, NO, IS)].
- 5. The Conference of the Parties shall at its first session elect the first members of the Committee and adopt further terms of reference and rules of procedure for the Committee [~~by consensus~~ (CH)] / [by consensus (RU, UA)]; [the Committee may suggest further developments [~~of its rules of procedure~~ (CH)] / [of its terms of reference (CH)] and submit them to the Conference of the Parties for adoption] (CH).

Article 16. Settlement of disputes

1. If a dispute arises between two or more Parties about the interpretation or application of this Convention, the Parties concerned shall seek a solution through consultation, negotiation or any other peaceful means of dispute settlement of their own choice, with a view to reaching a mutually satisfactory solution as soon as possible.
2. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in writing to the Depositary that, in respect of a dispute not resolved in accordance with paragraph 1 of this Article, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) Submission of the dispute to the International Court of Justice; and/or

(b) Arbitration in accordance with the procedure set out in Annex A on arbitration,

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b) of this paragraph.

3. If the parties to the dispute have accepted both means of dispute settlement referred to in paragraph 2 of this Article, the dispute may be submitted only to the International Court of Justice, unless the parties agree otherwise.
4. A declaration made under paragraph 2 of this Article 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. Expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before the International Court of Justice or the arbitral tribunal, 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 of this Article and if they have not been able to settle their dispute through the means in paragraph 1 of this Article within twelve months following notification by one party to another that a dispute exists between them, the dispute shall be submitted to conciliation, at the request of any of the parties to the dispute. Procedures related to conciliation shall be as set out in Annex B to this Convention.

Article 17. Amendments to the Convention

1. At any time after the entry into force of this Convention, any Party may propose amendments to it.
2. The proposed amendment shall be considered and adopted by the Conference of the Parties.
3. The text of any proposed amendment shall be submitted in writing to the Secretariat, who shall communicate it to all Parties and signatories to this Convention at least six months before the session of the Conference of the Parties at which it is proposed for adoption. The Secretariat shall also communicate the proposed amendment for information to the Depositary.
4. 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 of the Parties present and voting at the meeting.

5. The amendments adopted in accordance with paragraph 4 of this Article shall be communicated by the Secretariat to the Depositary, who shall send them to all Parties for ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.
6. An amendment shall enter into force for those Parties which have ratified, approved or accepted it on the ninetieth day after the date of deposit with the Depositary of an instrument of ratification, acceptance or approval by at least three-fourths of the number of Parties to this Convention, that were Parties at the time at which the amendment was adopted by the Conference of the Parties. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the receipt by the Depositary of that Party's instrument of ratification, acceptance or approval of the amendment.
7. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.
8. After the entry into force of an amendment to this Convention, any new Party to this Convention shall become a Party to this Convention as amended.

Article 18. Adoption and amendment of annexes to the Convention

1. Annexes to this Convention shall constitute 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. Annexes shall be restricted to scientific, technical, procedural or administrative matters.
2. Annexes to this Convention and amendments thereto shall be proposed and adopted in accordance with the procedure set forth in Article 17.
3. An annex or an amendment to an annex that has been adopted in accordance with paragraph 2 of this Article shall enter into force for those Parties that have accepted it twelve months after the date of the communication by the Depositary to all Parties of its adoption.
4. If the adoption of an annex or an amendment to an annex involves an amendment to this Convention, that annex or amendment to an annex shall not enter into force until such time as the amendment to this Convention enters into force.

Article 19. Protocols

1. The Parties may at any session of the Conference of the Parties adopt protocols to this Convention.

2. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before such a session.
3. The requirements for the entry into force of any protocol shall be established by that instrument.
4. Only Parties to this Convention may be Parties to a protocol to this Convention.
5. Decisions under any protocol shall be taken only by the Parties to the protocol concerned.

Article 20. Signature

1. [This Convention shall be open for signature by States and regional economic integration organizations [listed] (EU) / [as specified] in Annex C](UA). (NO)
2. [Any other State, not referred to in paragraph 1 above, that is a Member of the United Nations or of any of its specialized agencies or of the International Atomic Energy Agency or a Party to the Statute of the International Court of Justice, may sign the Convention. (NO)] (linked to UN umbrella issue and Title)
- 1-2alt. [**The Convention shall be open for signature by all States which are members of the United Nations** or of any of its specialized agencies or of the International Atomic Energy Agency or a Party to the Statute of the International Court of Justice **and by regional economic integration organizations** (CH,RU,RS, UA)] (NO)
- 1-2alt.bis. [The Convention shall be open for signature by States, members of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe pursuant to paragraph 8 of Economic and Social Council Resolution 36/IV of 28. March 1947, and by regional economic integration organizations constituted by sovereign States, members of the Economic Commission for Europe to which their member States have transferred competence over matters governed by this Convention including the competence to enter into treaties in respect of these matters. (CH)] (EU, NO)
3. This Convention shall be open for signature at <location> from <date> to <date>.

Article 21. Ratification, acceptance, approval or accession

1. [This Convention shall be subject to ratification, acceptance [or] (CH) approval [or accession (CH)] by the [Signatories] (CH) / [by States and regional economic integration organizations referred to in Article 21 (CH)].] (EU)
2. [[After entry into force (CH)] It shall be open for accession [as from <date when Convention is no longer open for signature>] (CH) by any [other (CH)] State or regional economic integration organization [referred to in Article 21 that has not signed this

Convention] (CH). Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.] (EU)

3. [Any regional economic integration organization which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under this 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 this Convention. In such cases,] the organization and the member States shall not be entitled to exercise rights under this Convention concurrently. (CH)]

- 3.alt **[In the case of any regional economic integration organization which becomes a Party to this Convention, such organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under this Convention concurrently. (EU, UA, NO)]**

4. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 22. Entry into force

1. [[This Convention shall enter into force on the ninetieth day after the date of deposit of the < [35th (UA, EU)] / [33rd (NO)] > instrument of ratification, acceptance, approval or accession [from States listed in Annex C] (EU).]

[1.alt This Convention shall enter into force on the ninetieth day after the date of deposit of the 20th instrument of ratification, acceptance, approval or accession from States referred to in Article 21 of which not more than 15 States belong to the same regional economic integration organization.] (NO, EU)

2. [For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the <xth [35th (UA)]> instrument of ratification, acceptance, approval or accession [from States listed in A[a]nnex x (EU)], this 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.]

[2.alt For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after its entry into force, this 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.] (IS, RU)

3. For the purposes of paragraphs 1 and 2 of this Article, 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 23. Reservations

No reservations may be made to this Convention.

Article 24. Withdrawal

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 this 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.
3. Any Party that withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

Article 25. Termination

This Convention shall be terminated if and when, as the result of withdrawals, the number of Parties drops below [xx] / [20 (UA)], [or if all Parties belong to the same regional economic integration organization (CH)] (EU) unless the remaining Parties unanimously decide otherwise.

Article 26. Depositary

The [~~FAO~~ Director-General of the Food and Agriculture Organization of the United Nations (EU, NO, TR, GA, AZ, AL)] / [Secretary-General of the United Nations (RU, UA, KZ, CH, KG, RS, BY, LI, AM)] shall act as the Depositary of this Convention and of protocols adopted in accordance with Article 19.

Article 27. Authentic texts

The original of this Convention, of which the <English, French, Russian, xxx> texts are equally authentic, shall be deposited with the Depositary.

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

DONE at xxx <date>.

ANNEX A ARBITRATION

Article 1

1. A Party may initiate recourse to arbitration in accordance with Article ...³ of this Convention by written notification addressed to the other party to the dispute. The notification shall be accompanied by a statement of the claim, together with any supporting documents, and shall state the subject matter for arbitration including, 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 the parties are referring a dispute to arbitration pursuant to Article...⁴. The 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. The Secretariat shall forward the information thus received to all Parties to this Convention.

Article 2

1. In disputes between two Parties, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the President of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

2. In disputes between more than two Parties, parties in the same interest shall appoint one arbitrator jointly by agreement.

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

4. If the parties do not agree on the subject matter of the dispute before the President of the tribunal is designated, the arbitral tribunal shall determine the subject matter.

Article 3

1. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the [...] ⁵ who shall make the designation within a further two-month period.

³ Put a cross-reference to the Article of the Convention governing settlement of disputes.

⁴ Put a cross-reference to the Article of the Convention governing settlement of disputes.

⁵ Reference to be made to an eminent independent person taking into account, if appropriate, the organization invited to host the convention. For example: the Secretary General of the United Nations, the Director-General of the Food and Agriculture Organization of the United Nations, the Executive Secretary of the Economic Commission for Europe or the President of the International Court of Justice.

2. If the President of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the [...] ⁶ shall, at the request of a party to the dispute, 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 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 to the dispute.

⁶ Reference to be made to an eminent independent person taking into account, if appropriate, the organization invited to host the convention. For example: the Secretary General of the United Nations, the Director-General of the Food and Agriculture Organization of the United Nations, the Executive Secretary of the Economic Commission for Europe or the President of the International Court of Justice.

Article 10

Any Party to this Convention that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case may, with the consent of the tribunal, obtain further information and intervene in the proceedings.

Article 11

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

Article 12

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

Article 13

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 award. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings. 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 which 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 award shall be binding on the parties to the dispute. The interpretation of this Convention given by the award shall also be binding upon a party intervening under Article 10 of this Annex insofar as it relates to matters in respect of which that party intervened. It shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17

Any controversy which may arise between those bound by the final decision in accordance with Article 16 of this Annex, as regards the interpretation or manner of implementation of that decision may be submitted by either party for decision to the arbitral tribunal which rendered it.

ANNEX B CONCILIATION

Article 1

1. A request by a party to a dispute to establish a conciliation commission in consequence of paragraph 6 of Article 16⁷ of this Convention shall be addressed in writing to the other party to the dispute and notified to the Secretariat. The Secretariat shall forthwith inform all Parties to this Convention accordingly.
2. The conciliation commission shall, unless the parties to the dispute otherwise agree, be composed of three members, one appointed by each party concerned and a President chosen jointly by those members.

Article 2

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

Article 3

If one of the parties to the dispute does not appoint a conciliator within two months of the date of receipt by the Secretariat of the written request referred to in Article 1 of this Annex, the [...] ⁸ shall, upon request by the other party, make the 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 two members of the commission being appointed, the [...] ⁹ shall, upon request by a party, designate the President within a further two-month period.

Article 5

1. The conciliation commission shall, unless the parties to the dispute otherwise agree, determine its own procedure.
2. The parties and members of the commission are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the commission.

⁷ Id.

⁸ Reference to be made to an eminent independent person taking into account, if appropriate, the organization invited to host the convention. For example: the Secretary General of the United Nations, the Director-General of the Food and Agriculture Organization of the United Nations, the Executive Secretary of the Economic Commission for Europe or the President of the International Court of Justice.

⁹ Id.

3. The parties to the dispute shall cooperate with the conciliation commission.

Article 6

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

Article 7

The conciliation commission shall render a report with recommendations for resolution of the dispute within twelve months of being established, which the parties to the dispute shall consider in good faith.

Article 8

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

Article 9

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

**[Annex C
List of States and regional economic integration organization(s)]**