

Article XIII: Amendments

Commentary

(a) There is a common understanding by the delegations that any State Party may, in accordance with the agreed procedure, propose amendments to this Convention.

(b) Views were expressed that certain basic provisions should not be subject to amendments. Article I, article IV, paragraph 5 (a) and article V, paragraph 8 (a) were mentioned in this respect.

(c) According to the majority of the views expressed, a differentiated amendment mechanism is required to meet the special needs of various provisions of the Convention. It is understood that this article might be limited to general amendment procedures which would be applied unless otherwise provided in relevant parts of the Convention. It is to be further discussed which provisions should be subject to strict amendment procedure and which might be amended in a simplified way.

(d) Views were expressed that, regardless of the type of procedure to be followed for the adoption of amendments, they shall enter into force for all States Parties at the same time; another view is based on the premise that ratification or acceptance by a State Party is required for an amendment to enter into force in regard to this State.

Possible wording for article XIII

1. Any State Party may, in accordance with the agreed procedure, propose amendments to this Convention.

2. (a) Amendments may be made to any provision of this Convention.

- or alternatively -

2. (a) No amendments may be made to the following provisions of this Convention: article I, article IV, paragraph 5 (a), Article V, paragraph 8 (a) ...

(b) The provisions contained in [...] 1/ may be amendment by unanimous agreement of States Parties.

(c) Provisions not mentioned in paragraph 2 (b) may be amended by majority of [...].

(d) Provisions not mentioned in paragraphs 2 (b) and 2 (c) may be amended by simple majority.

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1/ It is understood that such provisions should be enumerated.