

### *Proposal 2*

49. When ratifying, accepting, approving or acceding to the Protocol, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation of this protocol, [concerning the implementation of commitments (or of any other provision of this Protocol necessary to the interpretation or application of this protocol) any claim made pursuant to the Article concerning the economic injuries sustained by developing countries, [and the Article on the compensation mechanism] it recognizes as compulsory ipso facto and without special agreement, in relation to any Party [to the Convention]] accepting the same obligation:

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

(b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties.

49.1 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) above.

### *Proposal 3*

50. Provisions on mandatory, binding dispute settlement [with specific consequences flowing from a violation] among Annex A and Annex B Parties, as well as against other Parties as appropriate (for example, host countries under Article 7 (see paragraphs 143-143.6) and stating that this process would be without prejudice to the review and compliance process under Article 4 (see paragraphs 208-208.5).

## III. FINAL ELEMENTS

### A. Amendments

#### *Proposal 1*

51. Any Party to the Protocol may propose amendments to the Protocol.

51.1 Amendments to the Protocol shall be adopted at [a meeting of the Parties / an ordinary session of the Conference of the Parties]. The text of any proposed amendment to the Protocol shall be communicated to the Parties by the secretariat at least six months before the session at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to the Protocol and, for information, to the Depositary.

51.2 The Parties to the Protocol shall make every effort to reach agreement on any proposed amendments to the Protocol 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 [two-thirds/three-fourths] [double two-thirds ... ] majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.