

DRAFT CONVENTION ON THE PROTECTION OF PERSONS DISPLACED FOR ENVIRONMENTAL AND/OR CLIMATIC REASONS

PREAMBLE

The Contracting Parties,

Aware of the serious global crisis resulting from the adverse impacts of climate change, pollution and loss of biodiversity;

Concerned about the weakening of ecosystems, rising global temperatures, soil degradation, drought, sea level rise, floods, hurricanes, cyclones, fires, acidification of the sea, the reduction and thawing of polar and glacial ice, water stress and, in general, the proliferation of environmental and climate risks that accelerate and intensify the generation of gradual or sudden events that negatively affect people's lives or living conditions;

Noting that this weakening of the safe zone for life on the planet and its social and environmental consequences pose a serious threat to international peace and security;

Aware that the effects of climate change and other forms of environmental degradation cause loss and damage, which compromise the ecological balance and the well-being and survival of people throughout the world, affecting their human rights;

Whereas the severity of these impacts affects individuals and groups of people, forcing them to move internally or internationally and intensifying humanitarian crises and insecurity;

Recognizing that disproportionate exposure and unequal impacts of environmental and climate risks particularly affect populations with low levels of resilience living in highly vulnerable contexts, due to factors such as geographic location, poverty, gender, age, health status, or belonging to minority groups or indigenous peoples;

Recalling that the 1948 Universal Declaration of Human Rights recognizes the right of all persons to move freely and to choose their residence in the territory of a State, to leave any country, including their own, and to return to their country and to an adequate standard of living that will ensure health and well-being for them and their families;

Recognizing that, despite the existence of numerous international instruments aimed at protecting the environment and human rights, as well as international and regional initiatives related to human mobility in the context of disasters, climate change and environmental degradation, there is currently no binding

international legal instrument specifically protecting people displaced by environmental and climatic changes;

Noting the urgency and need for States to adopt a specific international legal regime to recognize and protect persons displaced by environmental and climatic changes that responds to the current legal vacuum;

Noting that Human Rights Council Resolution 35/20 of 2017, among other instruments, calls for the urgent need to protect and promote the human rights of migrants and displaced persons in the context of the adverse effects of climate change;

Guided by the Charter of the United Nations and reaffirming the Universal Declaration of Human Rights, the International Pact on Economic, Social and Cultural Rights, the International Pact on Civil and Political Rights, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action, among other international legal instruments for the protection of human rights;

Considering the Global Compact for Safe, Orderly and Regular Migration, endorsed by UN General Assembly Resolution 73/195 of 2018, especially its goals and targets related to the movement of people caused by environmental and/or climatic changes;

Considering the Agenda for the Protection of Displaced Persons across Borders in the Context of Disasters and Climate Change;

Considering the International Law Commission's 2016 Draft Articles on the Protection of Persons in the Event of a Disaster;

Having regard to the United Nations Convention to Combat Desertification (1994); Guiding Principles for Internal Displacement (1998); the Sendai Framework for Disaster Risk Reduction 2015-2030 (2015); the 2030 Agenda for Sustainable Development (2015); the Paris Agreement (2015) and the Sydney Declaration of Principles on the Protection of Displaced Persons in the Context of Rising Sea Levels, adopted by the International Law Association (2018);

Considering the report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change: "Providing legal options to protect the human rights of persons displaced across international borders by climate change" (2023) and that of the Special Rapporteur on the human rights of internally displaced persons, on "Planned relocation of people in the context of disasters and adverse effects of climate change (2024);

Whereas international legal protection must include both internally and internationally displaced persons, so that their human rights are effectively respected, protected and observed;

Recalling the duties of States to cooperate and protect persons on their territory and to seek assistance from the international community;

Recognizing that the effective response of States to environmental and/or climate-related displacement and adequate protection of displaced persons

requires the involvement of affected individuals and collaboration with public actors; and private sector and civil society;

Underlining the importance of gender mainstreaming, promoting gender equality and empowerment for all women and girls, recognizing their independence, capacity to act and leadership, avoiding the perception of displaced persons through the lens of victimization;

Guided by the concept of climate justice, recognized in the Paris Agreement, which appeals to the current and historical unequal responsibility that countries and communities have for climate change;

Reaffirming the principle of common but differentiated responsibilities, as recognized in the United Nations Framework Convention on Climate Change and the Paris Agreement;

Affirming the need to cooperate in the adoption of effective strategies, policies and regulatory frameworks to prevent, mitigate and mitigate environmental and climate change that affects displacement, in accordance with the Global Compact for Safe, Orderly and Regular Migration;

Convinced of the urgency to prevent the causes of displacement of people and to assist and protect those already facing a situation of displacement due to environmental and climatic changes, especially taking care of persons and groups with special vulnerability;

Resolved to establish a legal status that reflects the rights of persons at risk or in displacement, as well as the mechanism to make it effective,

Have agreed as follows:

CHAPTER 1

OBJECT, SCOPE AND DEFINITIONS

Article 1. Purpose and scope

1. The object of this Convention is to establish a status for persons displaced by environmental and/or climatic reasons, which addresses the vulnerable situation in which they find themselves, including the guarantee of their rights and the corresponding obligations of Parties in respect of reception, protection, assistance, return and reintegration in safety and dignity, in application of international human rights law and the principles set out in Chapter Two.

2. This Convention applies to environmental and/or climatic displacements in accordance with Article 2.

Article 2. Definitions

1. For the purposes of this Convention, "displacement for environmental and/or climatic reasons" means the movement of a person or group of persons, whether domestic or international, who are compelled or decide to leave their habitual place of residence, on a temporary or permanent basis, as a result of both serious risks and sudden or gradual environmental changes, which negatively affect their life or living conditions.
2. Is considered a "person displaced for environmental and/or climatic reasons" (PDEC) who, being in the situation described in paragraph 1, has been granted status in accordance with Chapter Three.
3. "Sudden changes" means one-off events with a clearly identifiable beginning and/or end. In the context of climate change, are referred as extreme weather events.
4. By "gradual changes" we mean those that evolve through progressive, slow-moving transformations, which can generate serious, cumulative and potentially irreversible impacts on ecological and human systems.
5. "Risk" means the probability that an event will have negative consequences on people's lives and living conditions.
6. By "aggravated vulnerability" we mean the PDEC who are part of such groups as girls, children and adolescents, especially unaccompanied ones, women, disabled persons, elderly people, victims of trafficking, Racialized persons and members of minority groups, ethnic and indigenous peoples, LGTBIQA+ people, and those living in poverty. Vulnerability is further aggravated when it is multidimensional, resulting from the intersection of two or more of the above conditions.

CHAPTER 2

Principles

Article 3. Principle of prevention of displacement risks

Parties shall take all necessary measures to anticipate, prevent, avoid and/or minimize the risk of displacement for environmental and/or climatic reasons by taking action to address the causes that give rise to displacement.

Article 4. Principles of solidarity and common but differentiated responsibilities

Under this Convention, in accordance with the principle of solidarity, Parties shall welcome the PDEC, cooperate with the countries of origin, transit and destination in their protection and contribute to the necessary financial efforts, in accordance with the principle of common but differentiated responsibilities.

Article 5. Principle of cooperation

1. The Parties of origin, transit and reception shall cooperate to prevent the risks of displacement and ensure the human rights, security and dignity of PDEC.
2. Parties shall take into account the specific needs and special circumstances of those Parties with greater vulnerability and less resilience and which may have to bear a disproportionate burden.

Article 6. Principle of protection

The present Convention is governed by the principle of protection of DMCs, as embodied in the rights provided for in chapter 4.

Article 7. Principle of equality and non-discrimination

The rights recognized in this Convention shall be guaranteed without discrimination on grounds of age, sex, gender, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, economic position, birth or any other situation.

Article 8. Principle of differentiated attention to groups in a situation of aggravated vulnerability

For PDEC in a situation of aggravated vulnerability, the protection and assistance required by their condition shall be guaranteed and treatment that takes into account their special needs, including those arising from the multidimensional vulnerability defined in Article 2.6.

Article 9. Principle of progressivity and non-regression

The rights guaranteed to PDEC and persons at risk of displacement, as well as the level of protection established by this Convention shall be progressively improved, preventing any measure which may result in its retrogression.

CHAPTER 3**GRANTING OF THE LEGAL STATUS OF PDEC****Article 10. Granting of status**

1. The status of PDEC is granted at the request of any person, in accordance with paragraph 2 of Article 2 of this Convention.

2. Granting the status of PDEC entails conferring the rights guaranteed by this Convention

3. The status shall end with the voluntary return of the beneficiary person to his or her place of usual residence or country of origin or by an informed decision of the national authority in application of the legislation in force. The change of place of residence within the same country will not lead to the termination of PDEC status.

Article 11. Procedure

1. Each State Party shall designate a national authority competent to adjudicate on applications for PDEC status. The authority will involve, in particular, social organizations specialized in the care of displaced persons, migrants and asylum-seekers, as well as in environmental and climate change matters.

2. Within six months of the entry into force of this Convention, each State Party shall adopt a procedure for granting PDEC status and designate its competent national authority. The established procedure shall distinguish between internal and international displacement. In the case of international movement, the application may be processed from the country of origin, transit or destination.

3. Throughout the procedure, the applicant shall be guaranteed all available information and, if necessary, free assistance to enable him or her to participate in an appropriate manner, including language assistance.

4. In cases of international displacement, the application for PDEC status will lead, until its final resolution, to the granting of an entry permit into the country and a valid temporary residence permit.

5. The non-refoulement of a person applying for PDAC status shall be guaranteed until its final resolution.

6. Any person in a situation of environmental or climatic displacement has the right to be accommodated in a temporary reception structure which shall be provided by the States Parties with the strictest respect for human dignity.

7. The national authority shall take its decision taking into account the seriousness of the situation which gave rise to the application and the particular circumstances of the applicant, ensuring family reunification wherever possible.

8. The decision shall be subject to review by a judicial body in accordance with national law.

CHAPTER 4

THE RIGHTS OF PERSONS AT RISK OF DISPLACEMENT AND IN SITUATION OF DISPLACEMENT

Section 1: Rights common to persons at risk of displacement and displaced persons

Article 12. Right to a clean, healthy and sustainable environment

Every person at risk or displaced has the right to be protected, guaranteed and respected, individually and collectively, for a clean, healthy and sustainable environment as well as for a stable and safe climate system, as a fundamental and necessary means of preventing displacement.

Article 13. Right to equality and non-discrimination

Any person at risk of or in a situation of environmental or climatic displacement shall enjoy, on an equal basis with other persons residing in the territory, the same rights and freedoms as recognized by international law and domestic law, without discrimination on the basis of PDEC status, race, colour, sex, gender, sexual orientation, language, religion or belief, political or any other opinion, national, ethnic or social origin, legal or social status, age, disability, economic status, birth or any other similar criteria.

Article 14. Right to information, participation and access to justice

1. Every person at risk of displacement has the right to access and receive information on environmental and climate-related risk situations as quickly as possible.
2. Every person in a situation of displacement has the right to be informed about the conditions for recognition of PDEC status and the existence of means of compensation and reparation for damages suffered during his or her displacement. The information shall be reliable, understandable and accessible.
3. Everyone at risk of displacement has the right to open and inclusive participation, and groups and communities have the right to consultation and prior consent, free and informed decision-making processes that may have a significant impact on their displacement, in particular, with regard to the approval of infrastructure projects and/or authorization of development projects that may affect living conditions and/or aggravate environmental or climatic risk situations.
4. Parties shall ensure the rights to information and participation in the adoption of public policies, plans, programmes and projects, so that the people concerned can exert a significant and effective influence over decision-making regarding environmental and climate risk as well as on displacement processes.
5. Every person in displacement has the right to participate in the development and implementation of reception, relocation, resettlement, return and/or integration policies.

6. Children and adolescents, at risk or in a situation of displacement, according to their age and maturity, have the right to information and participation in decision-making.
7. All persons at risk or displaced have the right to access justice and due process for the purpose of protecting their rights.

Section 2: Rights accorded by Parties to persons at risk of displacement under their jurisdiction

Article 15. Right to travel

1. Any person facing a sudden or gradual change in the environment or climate that adversely affects his or her life or living conditions has the right to travel within his or her country of origin or habitual residence, as well as across international borders.
2. Parties shall refrain from obstructing or allowing movement to be impeded.

Article 16. Right of the person not to be arbitrarily displaced

1. Everyone has the right not to be arbitrarily displaced for environmental or climatic reasons.
2. Where the movement is necessary and has been justified and planned by the competent authorities, it may be carried out only with the prior consent of the persons concerned.
3. Any duly informed person who decides not to travel and/or opposes the move will do so at his own risk.

Section 3: Rights accorded by Parties to all persons with PDEC status

Article 17. Right to protection and humanitarian assistance

Every PDEC is entitled to receive protection and humanitarian assistance anywhere, during and after the displacement.

Article 18. Right to safe, dignified and planned relocation and resettlement

Every PDEC is entitled to voluntary, safe, dignified, planned and prior consultation relocation and resettlement.

Article 19. Right to free movement

1. Every PDEC has the right to freedom of movement except when its safety and/or physical integrity may be at risk.
2. Any PDEC housed in a temporary accommodation facility has the right to move freely.
3. No PDEC may be subjected to arbitrary arrest or detention.

Article 20. Right to drinking water, sanitation and adequate food

Every PDEC has the right to access and sufficient supply of drinking water and sanitation, as well as adequate food.

Article 21. Right to basic necessities

Every PDEC has the right to receive, at a minimum and without discrimination, adequate and decent hygiene products and clothing.

Article 22. Right of access to medical care

1. Every PDEC has the right to access primary health care, essential services, and medical treatment as their health condition requires, including access to psychological and social services.
2. Special attention will be given to the health needs of women, including their access to women's health services, particularly reproductive health services, and appropriate counselling for victims of sexual and other abuse.

Article 23. Right to adequate housing

Every PDEC has the right to decent, adequate, resilient, basic and safe housing outside of risk areas.

Article 24. Right to choice of residence

All PDEC have the right to choose their place of residence, except for justified reasons to ensure their safety and health.

Article 25. Right to legal personality

1. Every PDEC has the right to recognition of its legal personality anywhere, to the recovery of documents necessary for the full realization of the rights attached to its person, without being imposed excessive demands, such as return to the country of origin or habitual residence in order to obtain these documents.
2. All PDEC, including unaccompanied girls, children and adolescents, have the right to obtain and retain the necessary identity documents in their own name.
3. Host States in cooperation with the State of origin shall facilitate the issuance of new documents or replacement of documents lost during the journey.

Article 26. Right to family life

1. Every PDEC has the right to respect for her family life and not to be separated from her family.
2. Every PDEC has the right to be informed about the whereabouts of their family.
3. Families separated due to displacement have the right to be regrouped as soon as possible.
4. Parties shall take urgent measures to reunite children and adolescents with their families.

Article 27. Right to respect for property and domestic animals

1. Every PDEC has the right to respect for its immovable property in the place of origin and may not be arbitrarily deprived of its individual or collective property, except under the conditions provided for by domestic law and international law.
2. Parties shall facilitate the transport of movable property of PDEC, as well as that of their domestic animals, to temporary accommodation or permanent housing.
3. The State of origin shall, as far as possible, ensure the welfare of domestic animals left by the displaced person on its territory.

Article 28. Right to work and participate in economic activities

1. Every PDEC has the right of access to work and economic activities.
2. The Parties shall ensure safe, healthy and dignified working conditions for PDEC.

Article 29. Right to education and access to training

Every PDEC has the right to receive an education and have access to training that is respectful of its cultural identity, language and religion.

Article 30. Right to maintain one's cultural identity

Every PDEC has the right to maintain its own cultural identity, religion and language in the host country.

Article 31. Right to voluntary, dignified and safe return

1. Every PDEC has the right to return voluntarily, with dignity and safety to its place of origin or habitual residence.
2. In the event of international displacement, the State of origin, in coordination with the host State, has an obligation to plan for the return of PDEC in safe and dignified conditions and in full compliance with international human rights law.

Article 32. Right to non-refoulement

1. Parties shall refrain from expelling or returning the PDEC to their place of origin, where they have substantiated grounds for establishing that environmental and/or climatic conditions in their country or place of origin, as a result of either serious hazards or sudden or gradual changes in the environment, may pose a real risk to their life or living conditions.
2. Expulsion or refoulement may only be carried out by reasoned decision of the national authority in application of the legislation in force.

Article 33. Specific rights of PDEC with aggravated vulnerability

1. The Parties shall ensure enhanced protection adapted to those PDEC who, depending on their personal situation, are in a context of heightened vulnerability.
2. The Parties of origin and host shall prevent and combat sexual violence, forced prostitution, sexual exploitation and trafficking and/or trafficking in PDEC.
3. Parties shall take into account the best interests of children and adolescents in all decisions and actions that may affect their displacement for environmental and/or climatic reasons.

Section 4: Specific rights accorded by b Parties to persons with PDEC status who are in international displacement**Article 34. Right to nationality**

Every PDEC has the right to retain the nationality of its State of origin. The host Party shall facilitate naturalization upon request of the person concerned.

Article 35. Civil and political rights

All PDEC shall retain their civil and political rights. Parties shall ensure that the PDEC continue to exercise their civil and political rights in their countries of origin, including the right to vote.

CAPÍTULO 5**ESTRUCTURA INSTITUCIONAL****Article 36. Conference of the Parties**

1. A Conference of the Parties is hereby established, the first meeting of which shall be convened by the Depository referred to in article 55 no later than one year after the date of entry into force of this Convention. Thereafter, regular

meetings of the Conference of the Parties shall be held at least once every two years.

2. Extraordinary meetings of the Conference of the Parties may be held at any other time if the Conference so decides, or upon written request by one of the Parties, provided that, within six months of notification by the Secretariat to Parties, this request is supported by at least one quarter of the Parties.

3. At its first meeting, the Conference of the Parties shall adopt its rules of procedure and financial management.

4. The meetings of the Conference of the Parties will be open to non-governmental organizations, which will have observer status. The International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and other bodies and specialized agencies concerned shall be considered as observers.

5. The Conference of the Parties shall review and evaluate on a continuous basis the implementation of the Convention, as well as legal and operational measures to ensure assistance and assistance to the SIDS and the improvement of their reception conditions.

6. The Conference of the Parties shall have the following functions:

- a) To elect the members of the committee provided for in article 38.
- b) Establish such subsidiary bodies as it deems necessary for the implementation of this Convention;
- c) Cooperate, where necessary, with relevant international organizations and intergovernmental and non-governmental bodies;
- d) Carry out prospective work on the evolution of environmental and climatic displacements;
- e) Assess policies for the prevention of environmental and climate displacements and for hosting PDEC;
- f) Review the reports of the PDEC Rights Committee on the implementation of the Convention and on complaints received in relation to compliance with the Convention.
- g) Approve, as appropriate, proposals for amendments to this Convention submitted in accordance with article 48.
- h) Take any other measure necessary to achieve the objectives of this Convention.

Article 37. Secretariat

The secretariat of the Convention is entrusted to the Secretary-General of the United Nations. The Secretariat shall carry out the following functions:

- a) Organizing and servicing the sessions of the Conference of the Parties;

- b) Participate in the process of electing members of the ADP Rights Committee as set out in article 38.4;
- c) Provide the necessary human resources and services for the effective performance of the functions of the ADP Rights Committee;
-) Transmit to the PDEC Rights Committee reports from States on measures taken to give effect to the rights recognized in this Convention;
- e) To assist Parties, at their request, in the collection and transmission of necessary information in accordance with the provisions of the Convention;
- f) Prepare reports on its activities and submit them to the COP;
-) Ensure the necessary coordination with the secretariats of other relevant international bodies;
- h) To make the administrative and contractual arrangements necessary for the effective performance of its functions, under the overall direction of the Conference of the Parties; and
- i) Perform the other secretariat functions specified in the Convention, and all other functions as determined by the Conference of the Parties.

Article 38. PDEC rights committee

1. In order to monitor and promote the implementation of the obligations undertaken by Parties under this Convention, a Committee on the Rights of PDEC shall be established to perform the functions set out in the following articles.
2. The Committee shall be composed of 12 experts of great moral integrity and recognized competence in the fields covered by this Convention.
3. The persons members of the Committee shall be elected by the Conference of the Parties from among nationals of Parties and shall perform its functions in their personal capacity, with due regard to geographical distribution, major legal systems and gender balance.
4. The members of the Committee shall be elected by secret ballot from a list of persons proposed by the Parties. Each Party may nominate one person from among its nationals.
5. The initial election of the Committee shall be held at the first meeting of the Conference of the Parties and every two years thereafter. At least four months in advance of each election, the Secretariat shall invite S Parties to submit their nominations within two months. The secretariat shall prepare a list in alphabetical order of all nominations, indicating the Parties that have submitted nominations, and communicate it to the Conference of the Parties.
6. The persons selected to serve on the Committee shall be those who obtain an absolute majority of the States members of the Conference of the Parties, present and voting, and the greatest number of votes.

7. The members of the Committee shall be elected for a term of four years. They may be re-elected if their candidacy is renewed. The term of office of half of the persons elected in the first election shall expire after two years; immediately after the first election, the names of those persons shall be drawn by lot.

8. If a person who is a member of the Committee dies or resigns or declares any other circumstance which prevents him from continuing to serve on the Committee, The Party which has proposed such a member shall appoint from among its own nationals another expert to carry out the term of office, subject to approval by the Committee.

9. The Committee shall adopt its own rules of procedure.

10. The meetings of the Committee shall generally be held at United Nations Headquarters or any other suitable place as determined by the Committee.

11. The Committee shall meet normally every year. The duration of meetings of the Committee shall be determined by its rules of procedure.

12. The Secretariat shall provide the necessary staff and services for the effective performance of the functions of the Committee.

13. Subject to the approval of the Conference of the Parties, members of the Committee established under this Convention shall receive emoluments from such funds as may be determined.

Article 39. Reports of Parties

1. The Parties undertake to submit to the Committee, through the General Secretariat of the United Nations, reports on the measures they have taken to give effect to the rights recognized in the Convention and on the progress they have made towards the enjoyment of those rights, every two years from the date on which this Convention has entered into force for each Party;

2. Reports under this article shall indicate the circumstances and difficulties, if any, affecting the degree of compliance with the obligations arising from this Convention. They should also contain sufficient information for the Committee to have a sufficient understanding of the implementation of the Convention in each country. Parties shall involve civil society throughout the process of drawing up implementation reports.

3. The Committee shall examine the reports submitted by each Party and transmit any observations and/or recommendations it considers appropriate to the Party concerned. That Party may submit to the Committee its comments on any observation made by the Committee under this article. When considering these reports, the Committee may request additional information from States parties.

4. The Committee shall submit to the Conference of Parties and the United Nations General Assembly a report on its activities, including observations and/or recommendations on the implementation of the Convention.

5. Parties shall give their reports wide dissemination to the public in their respective countries.

Article 40. Communications from Parties

1. Each Party to this Convention recognizes the competence of the Committee to receive and consider communications in which a Party alleges that another Party is not fulfilling its obligations under this Convention.

2. Communications received under this article shall be subject to the following procedure:

a) If a Party to this Convention considers that another Party is not fulfilling its obligations under this Convention, it may, by written communication, bring the matter to the attention of that Party. The Party may also inform the Committee of the matter. Within three months of receipt of the communication, the receiving State shall provide an explanation or other written statement to the communicating State clarifying the matter and that, as far as possible and relevant, refer to the domestic procedures and remedies invoked, pending or existing on the matter;

b) If the matter is not resolved to the satisfaction of both States Parties concerned within six months of receipt of the initial communication from the receiving State, either of them may refer the matter to the Committee by notification to the same and the other State;

c) The Committee shall consider the matter referred to it only after having ascertained that all domestic remedies have been invoked and exhausted on the matter, in accordance with generally recognized principles of international law. This rule shall not apply where, in the opinion of the Committee, such appeals are unreasonably prolonged;

d) Subject to the provisions of c) of this paragraph, the Committee shall place its good offices at the disposal of the Parties concerned with a view to reaching an amicable settlement of the matter on the basis of respect for the obligations laid down in this Convention;

) The Committee shall hold private meetings when considering communications under this article;

) In any matter referred to it under paragraph b) of this paragraph, the Committee may request the Parties concerned, as mentioned in paragraph b), to provide any other relevant information;

g) Both Parties concerned, as referred to in b) of this paragraph, shall be entitled to be represented when the matter is considered by the Committee and to make oral or written statements;

h) The Committee shall, within 12 months of receipt of the notification under paragraph b) of this paragraph, submit a report as follows:

- i) If a solution is reached under the provisions of paragraph d), the Committee shall limit its report to a brief statement of the facts and the solution that has been found;
- ii) If a solution is not reached in accordance with d), the Committee shall indicate in its report the relevant facts relating to the matter among the Parties concerned. Written statements and a record of oral statements made by those States shall be annexed to the report. The Committee may also transmit only to the States Parties concerned any comments it considers relevant to the matter between them. In all cases, the report shall be transmitted to the States Parties concerned.

Article 41. Individual communications

1. Any Party to this Convention may at any time, in accordance with this article, declare that it recognizes the competence of the Committee to receive and consider communications from natural persons within its jurisdiction, or on their behalf, who allege that the State Party has violated their individual rights under this Convention. The Committee shall not accept any communication concerning a State Party which has not made such a declaration.
2. The Committee shall consider as inadmissible any communication received under this article which is anonymous or which, in its opinion, constitutes an abuse of the right to submit such communications or is incompatible with the provisions of this Convention.
3. The Committee shall not consider any communication submitted by a person in accordance with this article unless it is satisfied that:
 - a) The same issue has not been, and is not being, considered in any other international investigation or settlement procedure;
 - b) The person has exhausted all remedies available in the domestic jurisdiction; This rule shall not be applied where, in the opinion of the Committee, the procedure for appeals is unreasonably prolonged or does not offer any possibility of providing effective protection to that person.
4. Without prejudice to paragraph 2 of this article, the Committee shall bring communications submitted to it in accordance with this article to the attention of a Party to this Convention which has made a declaration under paragraph 1 and in respect of which it is alleged that it has violated a provision of Convention. Within six months, the receiving State shall provide the Committee with an explanation or other written statement in which it clarifies the matter and sets out, where appropriate, the corrective action taken.
5. The Committee shall consider communications received under this article in the light of all information submitted by or on behalf of the person and by the State Party concerned.
6. The Committee shall hold private meetings when considering communications submitted under this article.

7. The Committee shall communicate its views to the State party concerned and to the person who submitted the communication.
8. The provisions of this article shall enter into force when ten Parties have made the declarations referred to in paragraph 1 of this article.
9. Parties shall deposit such declarations with the Secretary-General of the United Nations, who shall transmit copies thereof to other Parties.
10. A statement may be withdrawn at any time by notification to the Secretary-General. Such withdrawal shall not preclude consideration of any matter which is the subject of a communication already transmitted under this article; after the Secretary-General has received notification of withdrawal of the declaration, no further communications shall be received from or on behalf of a person under this article, unless the State Party concerned has made a new declaration.

Article 42. Other measures to promote implementation

1. In order to promote the effective implementation of the Convention and to stimulate international cooperation in the field covered by the Convention:
 - a) Specialized agencies, the International Organization for Migration, UNHCR and other United Nations bodies shall have the right to be represented in the review of the implementation of those provisions of this Convention which fall within their mandate. The Committee may invite specialized agencies, IOM, UNHCR and other competent bodies which it deems appropriate to provide expert advice and report on the implementation of the provisions of this Convention within the scope of their activities;
 - b) The Committee shall transmit, as it deems appropriate, to specialized agencies, IOM, UNHCR and other competent bodies, reports of Parties containing a request for advice or technical assistance, or indicating such need, together with the Committee's comments and suggestions, if any, on such requests or indications;
 - c) The Committee shall develop a guide to good practice in the procedure for granting PDEC status;
 - d) The Committee may decide to develop and adopt general comments addressing specific aspects of the Convention with a view to assisting States parties in fulfilling their obligations under the Convention. Such general comments shall be transmitted to the Assembly of Parties and notified to the UN General Assembly, together with any comments by States Parties.
 - e) The Committee may recommend to the General Assembly that it request the Secretary-General of the United Nations to undertake, on its behalf, studies on specific issues relating to the rights of PDEC.

CAPÍTULO 6

MISCELLANEOUS PROVISIONS

Article 43. Cooperation

The implementation of this Convention is the primary responsibility of the Conference of the Parties and other bodies established by it, with the assistance, where appropriate, of universal and regional international organizations, as well as the secretariats and committees of international conventions relating to environmental protection or the defence of human rights.

Article 44. Bilateral and regional agreements

1. Parties are encouraged to enter into bilateral or multilateral arrangements at the regional level to fulfil their obligations under this Convention.
2. Parties shall exchange information on lessons learned from the implementation of bilateral and multilateral agreements or other arrangements related to the subject matter of this Convention, to which one or more of them is a Party.

Article 45. Relationship with other instruments

1. The provisions of this Convention shall not be construed as affecting rights and guarantees more favourable to PDEC, contained in other binding national and international instruments that are or become in force.
2. The provisions of this Convention shall not prejudice the right to seek asylum or the benefit of any other form of national or international protection.

Article 46. Relations with third States

1. Parties shall, where they consider it appropriate, invite States not Parties to this Convention to cooperate in its implementation.
2. Parties shall take appropriate measures, in accordance with international law, to ensure that no activities are carried out contrary to the purpose, object, principles and rights guaranteed by this Convention.

Article 47. Settlement of disputes

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention, the States Parties concerned shall endeavour to resolve it by negotiation or other peaceful means of their choice, in particular the good offices or mediation of a third party, as well as recourse to conciliation.
2. If the Parties concerned are unable to settle the dispute by the means referred to in the preceding paragraph, the dispute shall be submitted, by agreement between them, to arbitration or to the International Court of Justice.

Article 48. Amendments to the Convention

1. Any Party may propose amendments to this Convention. Such amendments shall be adopted at a meeting of the Conference of the Parties.
2. The text of any proposed amendment to the Convention shall be notified by the Secretariat to the Parties at least six months before the meeting at which the amendment is proposed for adoption.
3. If all efforts to adopt an amendment to the Convention by consensus have been exhausted without agreement, the amendment will ultimately be adopted by a 2/3 majority of the Parties present and voting in the instrument.
4. The Depositary shall communicate to the Parties any amendment adopted for ratification, acceptance or approval.
5. The ratification, acceptance or approval of an amendment shall be notified in writing to the Depositary. Any amendment adopted in accordance with paragraph 4 shall enter into force for those States Parties which have agreed to be bound by its provisions on the thirtieth day following the date of deposit of the instrument of ratification, acceptance or approval by at least two thirds of the States that were Parties at the time the amendment was adopted. The amendment shall subsequently enter into force for any other Party on the thirtieth day following the date of deposit by that State of its instrument of ratification, acceptance or approval of the amendment.

Article 49. Voting rights

1. Each Party to this Convention shall have one vote, subject to the provisions of the following paragraph.
2. To exercise their right to vote in the areas of their competence, the Regional Economic Integration Organizations shall have a number of votes equal to the number of their member States which are Parties to this Convention. They shall not exercise their right to vote if their Member States do so and vice versa.

**CAPÍTULO 7
FINAL PROVISIONS****Article 50. Signature**

This Convention is open for signature by all Member States of the United Nations, as well as regional economic integration organizations at (place to be determined) and then at the headquarters of the United Nations in New York from (date to be determined) to (date to be determined).

Article 51. Reservations

No reservations are permitted to this Convention.

Article 52. Ratification, acceptance, approval or accession

1. The Convention is subject to ratification, acceptance, approval or accession by States and regional economic integration organizations. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depository.

2. Regional economic integration organizations which become Parties to this Convention, without any of their member States being a Party thereto, shall be bound by all the obligations set forth in this Convention. Where one or more member States of such organizations are States Parties to the Convention, the organizations and their member States shall determine their respective obligations relating to the implementation of their obligations under the Convention. In such a case, the organizations and their member States may not simultaneously exercise the rights under the Convention.

3. In their instruments of ratification, acceptance, approval or accession, the Regional Economic Integration Organizations shall indicate the extent of their competence with respect to matters governed by the Convention. In addition, they shall inform the Depository, who shall in turn inform all States Parties of any relevant changes in the scope of their competence.

4. States and regional economic integration organizations shall endeavour to inform the Secretariat, at the time of ratification, acceptance, approval or accession, of measures taken to implement the Convention.

Article 53. Entry into force

This Convention shall enter into force on the thirtieth day following the date of deposit of the tenth instrument of ratification, acceptance, approval or accession.

Article 54. Denunciation

1. Any Party may denounce this Convention after the expiry of a period of five years and by giving one year's notice in writing to the Depository.

2. The denunciation may not have the effect of releasing the State party concerned from its obligations under this Convention in respect of any act which, although it may constitute a violation of those obligations, it was made by her before the date on which the denunciation takes effect.

Article 55. Depository

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

Article 56. Authentic texts

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

IN WITNESS WHEREOF, the undersigned, duly authorized, sign this Convention.

DONE in (to be specified), on (indicate full date in letters)

THE WORKING GROUP WHICH HAS ELABORATED THIS PROJECT HAS BEEN FORMED:

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