

PROTOCOL
AMENDING THE AGREEMENT ON THE STATUS AND FUNCTIONS OF
THE INTERNATIONAL COMMISSION ON MISSING PERSONS

The States Parties to the Agreement on the Status and Functions of the International Commission on Missing Persons (hereinafter: “the Agreement”), signatory to this Protocol,

Bearing in mind that on 14 May 2015, the Agreement entered into force, providing the Commission with legal capacities necessary to exercise its functions, including entering into agreements with States and International Organizations;

Bearing in mind that Article IX(7) of the ICMP Agreement allows for a review and amendment of the Agreement at the initiative of its original signatory States;

Recalling that representatives of States Parties, signatory States and observer States, meeting remotely on 18 December 2020, expressed their interest in initiating a review of the Agreement;

Recalling that the Conference of States Parties, meeting remotely on 14 December 2021, invited the Director-General to convene a Working Group on Treaty Review consisting of representatives of States Parties and signatory States, which presented its recommendations at the meeting of the Conference of States Parties on 16 November 2023;

Wishing to strengthen States’ participation in the work of the Commission, including through advancing membership, improving sustainability and reaffirming the Commission’s purposes;

Mindful of the numerous international instruments with bearing on the issue of missing persons and that these instruments place a broad range of obligations on States, which calls for an organization with a corresponding mandate to support the efforts of States to meet their obligations;

Considering for that purpose that it would be appropriate to amend the Agreement as opened for signature in Brussels on 15 December 2014;

Considering that it would be appropriate to amend the Preamble of the Agreement in respect of the Commission not being tasked to redress omissions in humanitarian law, and to remove this reference;

Considering that it would be appropriate to amend Article IX 3. of the Agreement to strengthen unity and the common purpose by establishing a shared criterion for membership thereby promoting commitment to fundamental principles on the issue of the missing persons;

Considering that it would be appropriate to provide for equally authentic texts of the Agreement to promote the effective and increased participation of States in the work of the Commission, including Arabic, English, French and Spanish;

Bearing in mind Article 33(2) of the Vienna Convention of the Law of Treaties to establish additional authentic language versions of the Agreement henceforth by a vote of the Conference of States Parties;

Considering it necessary to amend the Agreement to include a clause governing future amendments to the Agreement;

Have agreed as follows:

Article 1

The Preamble shall be amended in respect of the last subclause in the third last paragraph (beginning with: thus redressing omissions), which shall be deleted.

Article 2

Article IV 6 c. shall be amended to supplement the powers of the Conference of States Parties to include the following:

- c. Recommend to States Parties measures to advance the aims of the Commission and take decisions on matters referred to it by the Board of Commissioners.

Article IV 6 shall be supplemented with a new subsection e. to read as follows:

- e. Approve the authentication of additional language versions to this Agreement.

Article IV 7 shall be amended to read as follows:

7. Decisions shall be taken by a majority of votes of States Parties present, including the election of the President and the Vice-President. Decisions concerning the membership of States in the organization shall be taken by two thirds of States Parties present.

Article 3

The last sentence of Article VIII shall be deleted.

Article 4

A new Article shall be introduced after Article VIII to read as follows:

Article IX Membership

1. This Agreement shall be open to accession by States upon an invitation by the Conference, based on a State's commitment to, or willingness to commit to, addressing the issue of missing persons as a State responsibility, thereby advancing and promoting the rule of law and human rights.
2. A State Party to this Agreement may be deemed noncompliant with the criteria for membership by the Conference and may, as a result, be suspended from its rights of representation and may be invited to withdraw from the Agreement. If the relevant State Party fails to comply with any request to withdraw, the Conference may decide that the State has ceased to be a State Party to the Agreement as of a date to be determined by the Conference.

Article 5

A new Article X concerning authentic languages shall be introduced to follow new Article IX to read as follows:

Article X Authentic Languages

The English text of this Agreement is the original authentic text. The Spanish, French, and Arabic texts of this Agreement shall be equally authentic, once they have been approved by the Conference of State Parties. The Depositary shall provide each State Party with certified copies thereof.

Article 6

A new Article XI concerning amendments shall be introduced to follow new Article X to read as follows:

Article XI Amendments

1. Amendments to the present Agreement are adopted by a vote of two thirds of the States Parties present.
2. The amendment shall enter into force thirty days after two States have expressed their consent to be bound to the depositary.
3. For each State consenting to be bound by the amendment after the date of entry into force of the amendment, the amendment shall enter into force for that State thirty days after it has expressed its consent to be bound to the depositary.

Article 7

The old Article IX (Concluding Provisions) shall be renumbered Article XII (Concluding Provisions).

Article 8 *Final Provisions*

1. This Protocol shall be open for signature by the signatory States of and the contracting States to the Agreement.
2. This Protocol is subject to ratification, acceptance or approval by its signatory States. A Signatory to this Protocol may not ratify, accept or approve it unless it has previously or simultaneously ratified, accepted or approved the Agreement or has acceded to it. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Netherlands.
3. States which have acceded to the Agreement may also accede to this Protocol until it has entered into force.
4. This Protocol shall enter into force thirty days after two States have expressed their consent to be bound in accordance with paragraph 2 or 3 of this Article.

5. For each State consenting to be bound after the date of entry into force of this Protocol, the Protocol shall enter into force for that State thirty days after the deposit of its instrument expressing its consent to be bound.
6. From the date of its entry into force, this Protocol shall form an integral part of the Agreement. From that date, no State may become a State Party to the Agreement without at the same time becoming a State Party to the Protocol.
7. This Protocol shall be deposited with the Government of the Netherlands, which shall serve as the Depositary and shall provide each State Party with a certified copy of the Protocol.
8. The Depositary shall notify the States that have signed, ratified, accepted, approved or have acceded to this Protocol in accordance with paragraphs 1, 2 and 3 of this Article of the following:
 - a) the signatures, ratifications, acceptances, approvals and accessions referred to in paragraphs 1, 2 and 3 of this Article;
 - b) the dates of entry into force referred to in paragraphs 4 and 5 of this Article.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Protocol.

DONE at The Hague, on 16 December 2024, in the English language, in a single copy. The Spanish, French, and Arabic texts of this Protocol shall be equally authentic, once they have been approved by the Conference of State Parties. The Depositary shall provide each State Party with certified copies thereof.

Copie certifiée conforme à l'original

Le Directeur des Traités
du Ministère des Affaires Etrangères
du Royaume des Pays-Bas

A handwritten signature in blue ink, appearing to be 'W. J. de Groot', is written over the text of the Dutch official.

Certified true copy of the original

The Director of Treaties
of the Ministry of Foreign Affairs
of the Kingdom of the Netherlands