

Draft Convention on Risks to the Existence of Humankind (“existential risks”)

(Preliminary version published for consultation, final version to be published under the same address later in 2024)

This draft Convention is not intended to replace existing policy-related international agreements dealing with risks. Instead, it is designed to create an enhanced extra layer for situations where risks start threatening the existence of humankind and thus become “existential risks”. International agreements dealing with risks take as a basis normal risks that do not threaten the existence of humankind. They rightly lack very invasive international mechanisms because, for normal risks, those invasive international mechanisms would not be justified. The situation is entirely distinct when the inaction of a state also threatens the survival of all the inhabitants of all other states. In such situations, more powerful and invasive mechanisms are required and justified. Potential scenarios of this kind include the following:

- A state may choose to refrain from implementing measures to prevent the rapid dissemination of deadly pathogens with the capacity for rapid mutation.
- A group of individuals with the intention of destroying humanity develops deadly microbes that cannot be countered by available means.
- A state is ruled by an individual who has the intention of destroying humankind and therefore develops deadly microbes that cannot be countered by available means.
- A state is ruled by an individual who has the intention of destroying humanity and therefore develops a significant military force of artificially intelligent robots, which have been programmed to kill all humans.

The first three examples could theoretically be covered by the currently debated WHO Convention or other international instrument on pandemics, which we have [commented](#) on in 2023. However, it is challenging for states to reach consensus on fundamental principles and measures to be employed in the event of an ordinary pandemic. Consequently, it is unlikely that an agreement on how to effectively address a pandemic that poses a threat to humanity will be reached within the WHO context in the near future. Therefore, there is a regulatory gap not only for cases where no international agreement exists in the first place but also for cases where an international agreement exists or is at least in place.

The draft Convention is intended to address this regulatory loophole in the field of international public law. It should be noted that this conceptual contribution does not imply that the draft Convention will be adopted or even negotiated in the years to come. The entire discussion of existential risks is still relatively recent, and the international mechanisms are not yet sufficiently developed to allow this to happen in the next 10 years. Nevertheless, it is considered important to pave the way conceptually, creating a minimum benchmark for future discussions and negotiations. This is particularly the case given that we have readers working for governments who are either in a position to initiate international negotiations or are at least relatively close to those persons.

One might wonder why more invasive measures of a Convention on existential risks should be agreeable, where states even struggle to agree on principles for ordinary international agreements, e.g. on pandemics. The answer to this question is twofold:

Firstly, the dedicated special angle, the threat to the entire humankind, might trigger a greater readiness of negotiators to accept measures and even invasive international mechanisms than any other, ordinary angle. Secondly, the draft Convention is constructed in such a way that the adherence of a dozen relatively powerful states to it may already substantially increase the readiness of other states to cooperate in the light of an acute existential risk, whether the other states are contracting parties of the Convention or not.

It must be acknowledged that the draft Convention reaches the limits of what is currently possible under international public law. This is justified by the extremely high value of the existence of humankind. The balancing of values, such as the collective value of all human lives versus state sovereignty and territorial integrity, justifies certain invasive mechanisms that would not be justified if the number of lives at stake were only in the thousands or millions. The balancing of values is also the core of the “state of emergency” principle, a principle that is also recognised in international public law.

Furthermore, the 20th century witnessed a progression of international law towards a more assertive stance. For example, one may cite the various human rights conventions and declarations that emerged in the wake of the Second World War, as well as the international response to the Kosovo crisis in the 1990s. When the crisis first emerged, there was considerable debate among legal professionals as to whether an international armed intervention aimed at preventing Serbia from killing Kosovars on its territory was lawful. The crisis has served as a catalyst for the evolution of international public law, paving the way for more assertive measures to save lives, even when they contravene the principles of national sovereignty and territorial integrity. It is therefore argued that the same justification must apply with even greater force where the number of people at risk is significantly higher. In conclusion, if any conflict were to arise between the provisions of this draft Convention and those of existing international law, it would be resolved by a future development of international public law.

In a similar manner to [our model laws](#), this draft Convention is designed to identify potential avenues for action rather than to dictate a specific course of action. It is recommended that each section be regarded as a mere proposal for discussion, to be picked, modified or dropped as appropriate. The text can thus be regarded as a list of items to be considered. Further elements can be derived from our [Checklist for international Treaties, Agreements and other Instruments](#). In accordance with our non-prescriptive methodology, we present a variety of options in square brackets and a bold **OR** between them.

If you have suggestions for improvement, please send us an email via manager@regulatoryinstitute.org. Many thanks!

Preamble	
<p>The States Parties to this Convention, Recognising that existential risks pose a grave threat to the survival and future well-being of humanity, Affirming the need for international cooperation and coordinated global efforts to identify, assess, prevent, and respond to existential risks, Recognising that the non-cooperation of one single state may thwart all efforts to counter an existential risk, Have agreed as follows:</p>	<p>Further considerations can be proposed to assist in the interpretation of the Convention. It is preferable that considerations be placed in Article 2 in order to confer a higher value or stronger binding character.</p>
Article 1 - Definitions	
<p>For this Convention:</p> <ol style="list-style-type: none"> 1. “Existential risk” means adverse circumstances that can either annihilate human life [or permanently and drastically curtail its potential]. OR “Existential risks” are threats that can cause the extinction of the entire human population [or permanently and drastically reduce humanity’s potential]. 2. “Acute existential risk” means an existential risk that is likely to materialise within ... (e.g. 12) months. 3. “States Parties” means States which have consented to be bound by this Convention and for which the Convention is in force. 4. “International Organisation” means an organisation established under international public law by various states recognised by the United Nations. 5. “Risk management” means the reduction and mitigation of risks. 	<p>It is recommended that a positive list of risks be established, which, by virtue of the definition, shall be deemed to be existential risks. Should this course of action be pursued, it is imperative that the authority to define (new) existential risks in Article 4(5) granted to the organs of this Convention is not diminished. It is probable that new existential risks will emerge at some point in the future.</p> <p>The draft Convention provides for enhanced mechanisms in the event of an acute threat. It is necessary to determine the number of months that will be required in view of these mechanisms.</p>
Article 2 - Guiding Principles	
<ol style="list-style-type: none"> 1. This Convention aims to establish global principles and mechanisms of cooperation amongst states in view of avoiding, reducing, and mitigating existential risks. 2. The permanent preservation of 	<p>Risk reduction and mitigation are not identical. It is not the case that mitigation reduces risk; rather, the consequence of materialised risk is attenuated.</p>

<p>humanity's long-term existence and potential is the absolute priority of cooperation under this Convention and shall be the guiding principle in the interpretation of this Convention.</p> <ol style="list-style-type: none"> 3. Efforts to counter existential risks shall be guided by the best available scientific evidence and expertise. 4. Measures shall emphasise prevention as the most effective risk mitigation strategy over reactive interventions. 5. States Parties shall assist one another in developing and implementing strategies to counter existential risks. 6. States Parties shall aim for equity and fairness[, considering the particular strengths and weaknesses of states]. 7. This Convention relies on the principles of sovereign equality of states and non-discrimination. 8. Parties shall act honestly, transparently, and cooperatively when applying this Convention. 	<p>We cannot assess whether this statement merits some fine-tuning.</p> <p>Asymmetric task assignments can make international cooperation more effective.</p>
<p style="text-align: center;">Article 3 - Institutional Arrangements</p>	<p>It is possible to divide Article 3 into several articles and to supplement it with additional rules. As this draft convention is intended to serve as a basis for discussion, the text has been kept relatively concise and Article 3 has not been split.</p>
<ol style="list-style-type: none"> 1. A Conference of States Parties is hereby established. It shall meet periodically OR regularly to review implementation of this Convention and make recommendations. The Conference of States Parties shall decide by a majority of States Parties represented, with a quorum of ... (e.g. 50) % of States Parties being represented. Any States Party can represent up to ... (e.g. one) other States Party. 2. A Secretariat is hereby established. It shall facilitate cooperation and coordinate activities under this Convention and fulfil the other tasks attributed to it by this Convention. The Conference of States Parties shall elect the Secretariat's Head [who shall chair the Conference of States Parties]. The Secretariat's Head and further staff shall 	<p>It is not our intention to engage in a debate on the continued applicability of the "one state, one vote" principle in the contemporary era. The requirement of a double majority, such as the "majority of States Parties representing the majority of the population of all States Parties," enhances the democratic legitimacy of the decision-making process. However, it also introduces the potential for increased instances of deadlocks.</p> <p>This rule serves to diminish the potential for the concentration of power by multiple delegations.</p> <p>An alternative option would be for the Conference of States Parties to elect a chair among its delegates.</p>

be free of any conflict of interest. The Conference of States Parties may impeach the Head and further staff.

3. An Intergovernmental Panel on Existential Risks (hereafter: "Intergovernmental Panel") is hereby established to conduct scientific assessment and monitoring of existential risks. It shall be composed of ... (e.g. 15) experts who do not have any conflict of interest covering various types of existential risks. The Intergovernmental Panel shall be presided over by [the Head of the Secretariat] **OR** [its chair who is elected by the Conference of States Parties]. The Conference of States Parties may adopt further membership criteria, rules on the appointment procedures, the proportionate representation of Parties, impartiality and conflict of interest rules, and the terms of office. [Deliberations of the Intergovernmental Panel shall be confidential.]
4. The Conference of States Parties may adopt internal rules for itself, for the Secretariat and for the Intergovernmental Panel.
5. International organisations can become Parties without voting rights or observers of this Convention when the Conference of States Parties so decides. Where international organisations have become Parties, they are subject to the obligations of this Convention, can participate in all activities under this Convention, and have all rights except the voting right.
6. Other states and organisations can become observers of this Convention when the Conference of States Parties so decides. Where they have become observers, they are subject to the confidentiality obligations of this Convention
7. Regardless of whether they are states or international organisations, observers shall have [full access to information] **OR** [access to the following information only: ...]. Observers may [not] attend meetings of the Intergovernmental Panel.

In order to facilitate the sharing of confidential information and ideas, it is preferable to have a relatively small number of members engaged in non-public deliberations, with minimal or no observers present.

For the reason given above for Section 3, we recommend giving no access to meetings of the Intergovernmental Panel.

<p>8. The Secretariat may suspend Parties other than States Parties and observers from using their rights where information indicates a violation of obligations.</p> <p>9. The Conference of States Parties may decide to exclude States Parties, other Parties, or observers from this Convention or to suspend their rights and participation.</p>	
<p>Article 4 - Risk Identification and Assessment</p>	
<p>1. The Secretariat shall, under the supervision of the Intergovernmental Panel, develop methodologies and undertake periodic assessments of existential risks from a global perspective. These assessments shall include areas beyond the territory of States Parties, including the high seas and outer space, and areas of States Parties not under their effective control. The Secretariat may use artificial intelligence for these assessments. States Parties shall support the Secretariat in this task.</p> <p>2. States Parties shall cooperate with each other, with the Secretariat and with the Intergovernmental Panel to establish comprehensive processes for identifying potential existential risk sources.</p> <p>3. States Parties shall regularly OR periodically conduct assessments of existential risks arising from their respective territory and maritime zones.</p> <p>4. States Parties shall share relevant data and findings regarding risk factors with the Intergovernmental Panel[, other States Parties] and the Secretariat.</p> <p>5. The Secretariat and the Intergovernmental Panel may decide a risk to be an “existential risk” or an “acute existential risk”. The Conference of States Parties may overrule the decisions of the Secretariat or the Intergovernmental Panel on Existential Risks.</p>	<p>Certain areas of states are de facto independent states, such as Somaliland within Somalia, or are not under state control at all, such as nowadays northern Mali and northern Niger.</p> <p>Certain mechanisms of this draft Convention are applicable only when a risk has been qualified as either “existential risk” or “acute existential risk”. As previously noted in the section on Article 1, Definitions, it is possible that new existential risks may emerge. Consequently, it is imperative that the Convention’s organs be granted the authority to</p>

<p>6. Decisions under Section 5 are binding to all Parties. They may be immediately challenged at the International Court of Justice.</p>	<p>act expeditiously. The establishment of a decision-making authority for both the Secretariat and the Intergovernmental Panel serves to reduce the likelihood of existential risks being “missed” due to negligence, ignorance, or inability to decide or agree. Nevertheless, this extensive authority should be subject to the control of the most important organ under the terms of this Convention, namely the Conference of the States Parties.</p>
<p>Article 5 - Risk [Avoidance,] Risk Management and Emergency Preparedness</p>	
<ol style="list-style-type: none"> 1. [States Parties shall develop and implement national strategies and measures to avoid existential risks.] 2. States Parties shall develop and implement national strategies and measures to reduce and mitigate existential risks (risk management). 3. States Parties shall develop and maintain robust risk management plans, updated regularly to reflect new information and methodologies. 4. States Parties shall adopt and maintain robust emergency management plans and legislation covering emergencies, both updated regularly to reflect the state of the art. 5. States Parties shall maximise their efforts to manage existential risks that have been declared to be acute existential risks per Article 4 Section 5. 6. Collective emergency preparedness and response plans shall be established under this Convention for each type of existential risk. These plans shall be drafted by the Secretariat, complemented by amendments of the Intergovernmental Panel on Existential Risks, and adopted by the Conference of the States Parties. 7. The Secretariat shall coordinate periodic simulation exercises to test the operational emergency readiness of States and other Parties. 8. The Secretariat shall develop plans on how States Parties could collectively reduce existential risks emanating from 	<p>It is a matter of contention as to whether certain types of (future) existential risks can be completely avoided. If this is not the case, this section can be deleted.</p> <p>In Article 1, the term “risk management” was defined as “risk reduction and mitigation.” The parenthesis is thus legally superfluous, but would assist readers in retaining the information.</p> <p>The effectiveness of emergency management is constrained by the absence of adequate legal provisions. Consequently, we propose the establishment of an obligation to legislate on emergencies; see also our Model Law on Emergency Management.</p> <p>Existential risks in these areas can arise naturally or from humans trying to avoid government control.</p>

<p>sources outside the territories of the States Parties, including the high seas and outer space, or from territories of the States Parties not under their effective control. These plans shall take into account the strengths and capacities of all States Parties. These plans shall be submitted to the Conference of the States Parties for approval. Once approved, States Parties shall implement such plans.</p>	
<p>Article 6 - Regulatory Adaptation</p>	
<ol style="list-style-type: none"> 1. States Parties shall take concrete steps to harmonise their national laws, regulations, and law application policies with the Convention’s provisions within one year after the effectivity of this Convention. 2. Having consulted the States Parties and the Intergovernmental Panel on Existential Risks, the Secretariat shall develop model laws and legal guidelines on how to reduce existential risks within the legal order of states. The Conference of States Parties may amend the model laws and legal guidelines. 3. States Parties shall take the model laws and legal guidelines as a basis for the reform of their domestic legal order within one year after their adoption or six months after their amendment by the Conference of States Parties. 4. The Secretariat shall provide technical assistance, capacity-building support, and training to States Parties, particularly those with limited resources, to facilitate the reform of domestic legal orders per Section 3. 5. The Secretariat shall periodically review the laws, regulations, and implementation policies of States Parties to identify inconsistencies with treaty provisions, the model laws, and legal guidelines. 6. States Parties shall publicise their laws, regulations, and implementation policies in the remit covered by this Convention. They shall inform the Secretariat and 	<p>The implementation of international agreements at the national level frequently remains vague and intangible, as it is constrained to the realm of “policies.” The implementation of obligations by means of legislation serves to render them more tangible and enforceable. Consequently, we propose the creation of an obligation to transpose policies of international agreements at the national level through the enactment of laws.</p> <p>The Regulatory Institute advocates for the utilisation of exemplary model legislation. In order to achieve this objective, it has established a Model Laws Library and has developed its own model laws. Among the Institute’s model laws, those pertaining to pandemics, artificial intelligence and research and technology risks are of particular note.</p>

<p>the Conference of States Parties periodically of their regulatory alignment efforts, including any challenges encountered and solutions adopted. They shall publish timetables and timed action plans prescribing the fulfilment of regulatory obligations under this Article. These timetables and timed action plans shall outline milestones and deadlines.</p> <p>7. The Secretariat shall create and manage technical committees or working groups composed of experts to provide guidance and expertise on regulatory alignment with this Convention, its model laws, and legal guidelines.</p> <p>8. The mechanisms of this Article shall also be applied concerning information campaigns and other information measures and implementation policies and implementation measures connected to the obligations under this Convention, the model laws, and legal guidelines.</p>	<p>The availability of accurate and reliable information is a fundamental prerequisite for the successful implementation of any given initiative. Consequently, we propose the extension of the mechanisms set forth in this Article to encompass information as well.</p>
<p style="text-align: center;">Article 7 - Cooperation and Assistance</p>	
<p>1. States Parties shall cooperate through multilateral mechanisms established under this Convention. The Intergovernmental Panel on Existential Risks shall, supported by the Secretariat, establish cooperation projects for the States Parties.</p> <p>2. States Parties shall openly share information related to existential risks and risk management measures, unless the information sharing increases these risks. States Parties shall communicate primarily via the communication platform provided by the Secretariat. They shall inform each other and the Secretariat on developments regarding acute existential risks and developments that might let an existential risk become an acute existential risk within one year.</p> <p>3. Except in cases of particular urgency,</p>	<p>It is possible that certain risk management</p>

States Parties shall consult each other and the Secretariat before taking action against existential risks that may also increase the same or other existential risks or have negative side effects on other States Parties. They shall balance the risks and side effects and refrain from taking action against existential risks that would disproportionately increase the same or another existential risk or have disproportionate negative side effects on other States Parties. In assessing disproportionality, the likelihood of the existential risk, the likelihood of success of the action, the intensity of risk reduction or mitigation if the action is successful, and the likelihood and intensity of side effects shall be considered and weighed.

4. States Parties shall promote international collaboration on research projects related to existential risks.
5. States Parties shall share methodologies and technologies that can help [avoid and] manage existential risks.
6. Developed countries shall provide technical and capacity-building assistance to developing countries.
7. Having consulted the States Parties, the Secretariat shall establish procedures for prompt notification and consultations in risk scenarios. This information shall pass via the communication platform referred to in Section 1.
8. States Parties that cannot minimise an existential risk may call the Secretariat for assistance. Where it cannot remedy itself, the Secretariat shall try to broker assistance from another States Party, an international organisation, or another organisation.
9. A State Party that cannot minimise an [acute] existential risk shall permit access to their territory to other States Parties designated by the Secretariat or the Conference of States Parties and shall permit these other States Parties and the Secretariat to operate freely on its national territory to reduce [or mitigate] the acute existential risk to the extent necessary.

measures may themselves result in the creation or intensification of existential risks. It is of the utmost importance to exercise particular caution in this area.

In light of the acute existential risk that endangers the entire humankind, it is both legitimate and necessary to limit national sovereignty and territorial integrity for the purpose of risk reduction. Nevertheless, it can be argued that the encroachment on these two principles is not justified in the context of risk mitigation alone.

<p>10. The Secretariat shall:</p> <ul style="list-style-type: none"> ● organise the exchange of experts, scientists, and technical personnel among States Parties to enhance expertise and knowledge transfer; ● encourage and support joint research, development, and innovation initiatives among States Parties to address common issues; ● support capacity-building efforts, particularly in developing countries; ● foster partnerships between governments, private sector entities, and civil society organisations to leverage resources and expertise; and ● address transboundary or cross-border issues by promoting cooperation and consultation among affected States Parties. <p>11. States Parties shall create incentives to make other states adhere to and comply with this Convention. They shall, to that end, use the following instruments:</p> <ul style="list-style-type: none"> ● Preferential market access, reduced tariffs, or trade benefits; ● Removal or reduction of non-tariff trade barriers; ● Grants, subsidies, or financial incentives; ● Low-interest loans or financial support; and ● Allocation of funding based on performance concerning the implementation of this Convention. 	<p>The objective of this section is to ensure a minimum degree of cooperation from states that are not necessarily parties to the Convention. The use of incentives is a more elegant approach than the use of coercive measures, and in some cases, it is also more promising.</p>
<p>Article 8 - Financial Mechanisms</p>	
<p>1. The Secretariat shall create and manage a fund to support research and implementation of risk management strategies and measures. States Parties shall contribute to the financing of the fund following their capacities.</p> <p>2. The Secretariat shall provide grants in view of the overall goal of minimising existential risk. Where this criterion cannot alone justify grant decisions, it shall also pursue the following goals:</p> <ul style="list-style-type: none"> ● incentivising and rewarding States Parties and other actors that have an 	<p>It is recommended that the question of whether funding should be reserved for States Parties</p>

<p>important role in existential risk reduction;</p> <ul style="list-style-type: none"> • compensating States Parties disproportionately affected by the implementation of risk mitigation measures; • supporting developing countries [including those that are not States Parties]. 	<p>be left open. It is logical and fair to privilege States Parties. Conversely, in certain instances, the most effective means of addressing existential risks may be through the funding of other states or non-state actors.</p>
<p style="text-align: center;">Article 9 - Compliance and Monitoring</p>	
<ol style="list-style-type: none"> 1. States Parties shall report biannually on the fulfilment of the obligations laid down in this Convention and on new developments regarding existential risks. They shall to that end follow the reporting scheme developed by the Secretariat. 2. The biannual reports of the States Parties shall be assessed by the Secretariat. The States Parties may amend their reports based on this assessment. 3. The final biannual reports and the assessment notes of the Secretariat shall be shared with all States Parties and shall be discussed by the Intergovernmental Panel and the Conference of States Parties. 4. The Intergovernmental Panel and the Secretariat may adopt recommendations addressed to all or certain States Parties. They may also rate the States Parties' plans, measures, and activities in terms of effectiveness given the goal of existential risk reduction. They may highlight particularly well or badly-performing States Parties and best practices. 5. The Secretariat may conduct on-site inspections, visits, or audits to assess the preparedness of States Parties, and to supervise their action in case of acute existential risks. 6. States Parties shall allow the Secretariat unlimited access to information [during, before, and after 	<p>A harmonised reporting scheme serves to facilitate comparison and to ensure a minimum quality of reports.</p> <p>The interim assessment conducted by the Secretariat serves to enhance further the comparability and quality of the reports.</p> <p>It is possible that ratings may create an incentive for better compliance.</p> <p>The same principle applies to the highlighting of states.</p> <p>The three terms in question have overlapping meanings, but listing them all has the advantage of providing maximum flexibility and the largest possible legal basis.</p>

<p>such on-site inspections, visits, or audits].</p> <ol style="list-style-type: none"> 7. The Secretariat may invite up to three other States Parties to attend its on-site inspections, visits, or audits to allow these other States Parties to undertake a peer review. 8. The Secretariat may, in analogy to Article 10(1), impose monetary penalties on States Parties that do not comply with this Article. The sanctions can be withdrawn by decision of the Conference of States Parties. 9. The Secretariat may publish a report on its findings from its on-site inspections, visits, or audits, its follow-up recommendations, and the penalties it imposed. It may attribute compliance awards and launch certification programs that recognise States Parties for their compliance achievements. For purposes of this Article, the Secretariat may refer to independent assessment bodies or expert panels to objectively evaluate and rate the performance of States Parties against the established criteria. 10. The Secretariat may make the attribution of grants per Article 8(2) subject to improvements concerning the fulfilment of obligations under this Convention. 11. The Secretariat shall refrain from publications where publications would increase the existential risks. 12. The Secretariat may cooperate with other international organisations to monitor the States Parties and to ensure compliance. It may share information to that end. 	<p>For the recipient state, the effort is not significantly greater when representatives of other states participate in the inspection, visit, or audit. Delegates from other states may contribute to the analysis and facilitate mutual learning.</p> <p>While Article 10(1) provides a general possibility for sanctions to be imposed by the Conference of States Parties, this section sets out a distinct opportunity for sanctions to be imposed by the Secretariat. Nevertheless, the same limitations should be observed.</p> <p>This section and the following one present a further set of incentives for compliance.</p> <p>For example, it would be counterproductive to publish details of the weaknesses in the protection of a bacteriological research site against intrusion.</p>
<p>Article 10 - Sanctions</p>	
<ol style="list-style-type: none"> 1. The Conference of States Parties may, upon request of a State Party or of the Secretariat impose on non-compliant States Parties sanctions of the following types: <ul style="list-style-type: none"> • monetary penalties; • exclusion from grants, voting rights, and other rights set out in 	

<p> <ul style="list-style-type: none"> • this Convention; • exclusion from the information exchange set out in this Convention; • exclusion from other forms of cooperation set out in this Convention; • [non-application, reduced or modified application of other international agreements unless the other international agreement explicitly provides otherwise;] • ... <p>2. Sanctions shall be proportionate to the gravity of the non-compliance, taking into account to which extent the non-compliance increases or fails to reduce existential risks directly or indirectly. Sanctions shall be escalated in time unless the maximum sanction is to be applied from the beginning to counter existential risk. Sanctions may be temporary. Revenues from sanctions shall be used for grants per Article 8(2).</p> <p>3. Where a State Party infringes this Convention, States Parties and other Parties may:</p> <ul style="list-style-type: none"> • fully or partly, as a sanction, suspend the application of another international agreement [if permitted by] OR [under conditions of the other] international agreement; • apply the sanctions provided by that other international agreement [unless the other international agreement explicitly provides otherwise]; and • restrict or stop trade of goods and services or any form of cooperation with the non-compliant States Party. <p>4. The sanctions set out in this Article and the cross-agreement sanction mechanisms of [Section 1 Letter e and] Section 3 shall be applied in cases of acute existential risk.</p> <p>5. Decisions on reinstatement shall be taken like decisions on sanctions. Decisions on reinstatement may provide for the compensation of the sanctioned State Party to the extent the sanctions turned out to be not justified.</p> <p>6. States Parties [and other Parties] shall</p> </p>	<p>In accordance with the principle of <i>lex posterior derogat lex anterior</i>, an international agreement may supersede an earlier one. In light of the paramount importance of the survival of humankind, it is possible to utilise other agreements as levers. For further information, please refer to this article. It is evident that other agreements may also be amended separately in order to provide support for the sanctioning mechanisms of this Convention.</p> <p>For the same reasons, States Parties should consider utilising contractual options under other international agreements, as outlined in this article.</p> <p>Please refer again to the comment in Section 1.</p> <p>In the event of an acute existential risk, it is imperative that the cross-agreement sanction mechanisms be employed.</p> <p>The justification for the cross-agreement</p>
--	--

<p>defend in other international fora the cross-agreement sanction mechanisms of [Section 1 Letter e and] Section 3.</p>	<p>sanction mechanisms is the principle of a state of emergency. However, the legality of such measures will undoubtedly be contested.</p>
<p>Article 11 - Interpretation</p>	
<ol style="list-style-type: none"> 1. Interpretation of this Convention shall be based on the ordinary meaning of terms, the goal of the Convention, and the context in which terms are used. Where there is a conflict among these principles, the goal of the Convention shall be the lead principle. 2. It is [not] permitted to refer to supplementary means of interpretation, such as preparatory work, to clarify the meaning of a provision in this Convention in cases of ambiguity. 3. This Convention shall be interpreted to be following established principles of international law, including customary international law and relevant conventions. However, given the extreme importance of the survival of humankind and applying the principle of the state of emergency also recognised in customary international law, the principles of states' sovereignty and territorial integrity are to be reduced to the extent necessary for the effective pursuit of this Convention's goal. 4. The text of this Convention takes precedence over headings, titles, or summaries in case of any inconsistency. 5. In case of dissent on interpretation, the interpretation of the Secretariat shall prevail as long as the Conference of States Parties has not overruled it. Thereafter it is the interpretation of the Conference of States Parties which is to be applied. 6. This Article is without prejudice to Article 12. 	<p>This sentence serves to clarify any potential conflict between the stated goals.</p> <p>The so-called supplementary means of interpretation can both provide clarity and confusion, depending on the specific case.</p> <p>Some may contend that certain mechanisms of this Convention contravene the principles of state sovereignty and territorial integrity. In light of this argument, it is necessary to clarify that the conflict with these principles has been identified, but that a limitation of these two principles must occur in accordance with another principle of international law, namely the principle of "state of emergency," which permits the implementation of measures that would otherwise be considered illegitimate.</p> <p>Until a ruling is issued by the International Court of Justice, the organs of this Convention should be granted the authority to issue legally binding interpretations.</p>
<p>Article 12 - Dispute Resolution</p>	
<p>Disputes among Parties shall be processed by [the Conference of State Parties] OR [the</p>	<p>It would be advisable to consider establishing a further procedure for the resolution of disputes</p>

<p>Secretariat] [or an arbiter designated by it] during a three-month conciliation period, after which the International Court of Justice may be called upon to rule. Interim decisions of the International Court of Justice can be solicited during the conciliation period already.</p>	<p>between parties and the organs of this Convention, as well as disputes between the organs of this Convention.</p>
<p style="text-align: center;">Article 13 - Amendments and Protocols</p>	
<ol style="list-style-type: none"> 1. The Conference of States Parties may adopt technical amendments to this Convention. An amendment is technical when it does not create any new obligation but only fine-tunes an obligation. [Technical amendments must be justified by evolving circumstances and new scientific knowledge.] [Technical amendments may only be adopted concerning the following Articles:] Technical amendments become applicable ... (e.g. three) months after the decision of the Intergovernmental Panel on Existential Risks. 2. Other amendments require the adoption by the Conference of States Parties, followed by a ratification procedure of all States Parties. They become applicable ... (e.g. three) months after the last State Party has ratified it. 3. The Conference of States Parties may adopt Protocols to this Convention that shall only be binding to those States Parties that ratify them. They become applicable ... (e.g. three) months after the 10th State Party has notified its ratification to [the Secretariat] OR [the Secretary General of the UN]. 	<p>Where there is no mechanism for amendments in international agreements, there is an inherent difficulty in seizing opportunities for adaptation and thus increased effectiveness. Conversely, it is imperative that international agreements do not undergo substantial evolution without the express consent of all the signatories. Article 13 strikes a balance between these two legitimate statements by distinguishing between technical and other amendments. The scope of technical amendments can be further constrained by the sentences in square brackets.</p> <p>Protocols that are applicable only to those states that have signed them can be a useful tool for making progress and developing advanced approaches that have not yet been universally accepted.</p>
<p style="text-align: center;">Article 14 - Collision with other International Agreements</p>	
<ol style="list-style-type: none"> 1. This Convention does not derogate to other international agreements. 2. Whereas obligations under other international agreements remain applicable even when they deal with risks that, under certain circumstances, 	<p>This section outlines the general purpose of this Convention, which is not to replace policy-related international agreements dealing with risks but rather to create an enhanced</p>

<p>can be existential risks, this Convention creates additional obligations and mechanisms for situations where the respective risks have become existential.</p>	<p>extra-layer where risks become existential.</p>
<p>Article 15 - Geographic Application</p>	
<p>This Convention applies to all States Parties, including their maritime zones. It provides a legal basis for some worldwide action, including on the high seas and in space.</p>	
<p>Article 16 - Ratification and Entry into Force</p>	
<ol style="list-style-type: none"> 1. The States Parties shall notify their ratification of this Convention to ... (e.g. the Secretary General of the UN). Other Parties shall notify their adherence to this Convention in the same way. 2. Protocol declarations or other declarations setting up conditions or interpretations are not valid and leave the ratification or adherence untouched. 3. This Convention shall enter into force ... (e.g. three) months after the ... (e.g. 30th) state has notified its ratification per Section 1. 	
<p>Article 17 - Withdrawal and Termination</p>	
<ol style="list-style-type: none"> 1. The States Parties wishing to withdraw shall submit a notification of their will to the Secretary General of the United Nations and to the Secretariat three months in advance. States Parties may withdraw their notification within this period. 2. Withdrawing States Parties shall keep confidential all information obtained whilst adhering to this Convention. Withdrawing States Parties shall reimburse any grants they have 	

<p>received and not yet spent when the withdrawing becomes effective.</p> <ol style="list-style-type: none"> 3. This Convention shall cease to apply one year after the number of adhering states has fallen below the number of ... (e.g. 30). 4. This Convention shall also cease to apply one year after two-thirds of all States Parties decide in the Conference of States Parties to terminate it. 5. Obligations, rights, or liabilities incurred before the withdrawal or termination date shall still be legally valid to the extent they relate to the time before the withdrawal or termination becomes effective. In particular, pledges and financial contributions due to action before the withdrawal or termination decision remain due. 6. Article 12 applies to disputes regarding the withdrawal of States Parties and the termination of this Convention, whilst the Secretary General of the United Nations takes the role of the Secretariat once the Secretariat has been dissolved or become inoperational. 7. When this Convention terminates, the Secretary General of the United Nations shall take over the assets [and the staff] of the Secretariat. 8. All States Parties[, other Parties] and all observers shall preserve confidentiality after termination of this Convention. 	<p>You might wish to align this section to Article 16(3) that requires 30 states as a minimum.</p>
<p style="text-align: center;">Protocol No. 1: Coordinated Action against Third Countries and Non-state Actors</p>	
<p>Whereas:</p> <ul style="list-style-type: none"> - existential risks sometimes necessitate the collective action of all states, - some states or territories not formally recognised as states (hereafter collectively referred to as “third countries”) apply policies of non-cooperation even when urgent, uncontestable global concerns are to be addressed, - it is therefore necessary to develop instruments that will increase the likelihood of 	<p>The core text of the draft Convention addresses the relationship between States Parties, between States Parties and the organs of the draft Convention, and with the organs of the draft Convention themselves. This Protocol broadens the scope of the Convention to encompass potential action with territories that are not States Parties and with non-state actors such as terrorist groups.</p> <p>The mere existence of this Protocol serves to encourage states to adhere to the Convention.</p>

third countries contributing to the rescue of humankind in the event of existential risks, namely when they become acute,
- similar considerations apply concerning certain non-state actors, be they enterprises, terrorists, or other groups or entities,

The State Parties that have ratified this Protocol have agreed to the following:

1. The States Parties to this Protocol undertake to engage in dialogue with third countries with a view to reducing existential risks.
2. In accordance with the principles of international public law, these States Parties undertake to impose sanctions on third countries that fail to cooperate in the reduction of existential risks or that fail to minimise acute existential risks as determined in accordance with Article 4, Section 5. The sanctions shall be proportionate and shall include:
 - cessation or non-application of other international agreements,
 - cessation of formal or informal cooperation,
 - cutting funding,
 - cutting off financial or telecommunication links,
 - restriction or cessation of trade in goods and services,
 - travel restrictions, and
 - sanctioning key responsible persons of the third countries.
3. States Parties shall coordinate their dialogue and sanctioning strategy in a dedicated consultative forum managed by the Secretariat. Only the aforementioned States Parties shall have access to this forum. They shall inform the Secretariat and other States Parties that have signed the Protocol of the measures that they intend to take.
4. In the event of an acute existential risk, these State Parties shall deliberate and, if necessary, implement measures on the territory of third countries[, provided that such action is justified by the principle of the state of emergency recognized in international public law].
5. Furthermore, this Protocol applies to the dialogue with and sanctions or other

States are not exempt from sanctions merely for failing to adhere to the Convention. Furthermore, the Convention provides for the possibility of recourse to protective procedures by States Parties, whereas third countries are not afforded this option.

As this section applies only to acute existential risks, we assume that there is always such justification.

Even military action should not be excluded.

actions against non-state actors who refuse to address appropriately existential risks or who cause them.	
---	--