UNITED NATIONS

GENERAL
ASSEMBLY

Twenty-fourth session
SIXTH COMMITTEE
Agenda item 87

DRAFT CONVENTION ON SPECIAL MISSIONS

Brazil, Ghana, Guatemala, India, Indonesia, Morocco, Nigeria, Sudan, Uganda, Yugoslavia and Zambia: sub-amendment to article 51 proposed by Switzerland (A/C.6/L.766)

Substitute for the proposed new article 51 the following:

OPTIONAL PROTOCOL CONCERNING THE COMPULSORY SETTLEMENT OF DISPUTES

The States Parties to the present Protocol and to the Convention on Special Missions, hereinafter referred to as "the Convention", adopted by...

Expressing their wish to resort in all matters concerning them in respect of any dispute arising out of the interpretation or application of the Convention to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement has been agreed upon by the parties within a reasonably period,

Have agreed as follows:

Article I

Disputes arising out of the interpretation or application of the Convention shall lie within the compulsory jurisdiction of the International Court of Justice and may accordingly be brought before the Court by an application made by any party to the dispute being a party to the present Protocol.

Article II

The parties may agree, within a period of two months after one party has notified its opinion to the other that a dispute exists, to resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either party may bring the dispute before the Court by an application.

Article III

1.   Within the same period of two months, the parties may agree to adopt a conciliation procedure before resorting to the International Court of Justice.

2.   The conciliation commission shall make its recommendations within five months after its appointment. If its recommendations are not accepted by the parties to the dispute within two months after they have been delivered, either party may bring the dispute before the Court by an application.

Article IV

The present Protocol shall, until ..., be open for signature by all States which may become parties to the Convention.

Article V

The present Protocol is subject to ratification. The instrument of ratification shall be deposited with the Secretary-General of the United Nations.

Article VI

The present Protocol shall remain open for accession by all States which may become parties to the Convention. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article VII

1.   The present Protocol shall enter into force on the same day as the Convention or on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Protocol with the Secretary-General of the United Nations, whichever day is the later.

2.   For each State ratifying or acceding to the present Protocol after its entry into force in accordance with paragraph 1 of this article, the Protocol shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article VIII

The Secretary-General of the United Nations shall inform all States which may become parties to the Convention:

(a) Of signatures to the present Protocol and of the deposit of instruments of ratification or accession, in accordance with articles IV, V and VI;

(b) Of the date on which the present Protocol will enter into force, in accordance with article VII.

Article IX

The original of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article IV.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.

DONE AT NEW YORK, this _____

- - - - -