ARTICLE 95

TEXT OF ARTICLE 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

NOTE

1. No decisions involving interpretation of Article 95 have been taken by United Nations organs. While Members of the United Nations have had recourse to tribunals other than the International Court of Justice for the solution of their differences, no questions of interpretation of Article 95 have arisen.

2. In one instance, Article 95 was cited in a General Assembly resolution. Resolution 171 C (II), entitled "Need for greater use by the United Nations and its organs of the International Court of Justice", read, in part, as follows:

"The General Assembly,

"......

"2. Draws the attention of States Members to the advantage of inserting in conventions and treaties arbitration clauses providing, without prejudice to Article 95 of the Charter, for the submission of disputes which may arise from the interpretation or application of such conventions or treaties, preferably and as far as possible to the International Court of Justice;".

3. The General Assembly itself has adopted resolutions contemplating the solution of differences to which Members of the United Nations may be parties by tribunals other than the International Court of Justice. The General Act for the Pacific Settlement of International Disputes, which was revised and open for accession under the title of "Revised General Act for the Pacific Settlement of International Disputes" 1/ by the terms of General Assembly resolution 268 A (III), contains chapters on judicial settlement and arbitration which provide for the establishment of ad hoc arbitral tribunals as an alternative to submission to the Court. Furthermore, by resolution 588 A (V), the General Assembly established the United Nations Tribunal in Libya and, by resolution 530 (VI), the United Nations Tribunal in Eritrea.
