

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 decision involving the interpretation of Article 95 was taken by United Nations organs during the period under review. The following decisions of the General Assembly may, however, be relevant to Article 95 since they contemplated the solution of differences between Members of the United Nations by tribunals other than the International Court of Justice.
2. In connexion with the question of the frontier between Somaliland under Italian administration and Ethiopia, the General Assembly, by resolution 1213 (XII) of 14 December 1957, expressed the opinion that a final settlement could be achieved most expeditiously by a procedure of arbitration and recommended that the parties should establish an arbitration tribunal to delimit the frontier. 1/ By resolution 1345 (XIII) of 13 December 1958, the General Assembly reaffirmed its resolution of the twelfth session, urged the parties once again to intensify their efforts to implement the terms of that resolution and recommended that the two Governments agree on the choice of an independent person to serve as the third jurist on the arbitration tribunal.
3. With respect to the question of arbitral procedure, 2/ the General Assembly, in its resolution 1262 (XIII) of 14 November 1958, brought the draft articles on arbitral procedure contained in the report of the International Law Commission to the attention of the Member States for their consideration and use in such cases and to such extent as they considered appropriate in drawing up treaties of arbitration or compromis. The General Assembly further invited the Governments to send the Secretary-General any comments they might wish to make on the draft and, in particular, on their experience in the drawing up of arbitral agreements and the conduct of arbitral procedure, with a view to facilitating a review of the matter by the United Nations at an appropriate time.

1/ Cf., G A resolutions 392 (V) and 1068 (XI).

2/ See Repertory, Supplement No. 1, vol. II, under Article 95, para. 3.

