

TO THE CONVENTION ON SPECIAL MISSIONS OPTIONAL PROTOCOL/CONCERNING THE COMPULSORY SETTLEMENT OF DISPUTES

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Note: The Philippines signed the Convention, December 16, 1969, and deposited its instrument of ratification with the Secretary-General of the UN, November 26, 1976.

Reference: This Protocol is also published in VIII DFA TS No. 2, p. 245.

THE STATES PARTIES to the present Protocol and to the Convention on Special Missions, hereinafter referred to as "the Convention," adopted by the General Assembly of the United Nations on December 1969,

EXPRESSING their wish to resort, in all matters concerning them in respect to 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 reasonable period of time,

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 a written 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 a written 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 a written application.

ARTICLE IV

The present Protocol shall be open for signature by all States which may become Parties to the Convention, until 31 December 1970 at United Nations Headquarters in New York.

ARTICLE V

The present Protocol is subject to ratification. The instruments 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

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 of or accession to the Protocol with the Secretary-General of the United Nations, whichever day is 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 being duly authorized thereto by their respective Governments, have signed the present Protocol opened for signature at New York on 16 December 1969.

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