Amendment to Article 92, Paragraph 3, submitted by the delegations of Colombia and France

Article 92

3. Without prejudice to their rights under Article 36 of the Statutes of the International Court of Justice, the Members undertake............(the remainder unchanged)

The words "Article 36 of" have been put in square brackets in order to show that they are to be omitted if the amendment is adopted, the purpose of their omission being to allow Members also to have recourse to the International Court of Justice as a court of arbitration.

These words were inserted in the proposed amendment in order to draw attention to the extent of the rights that would be surrendered by Members if they accepted the text of paragraph 3 of Article 91 in its present form. The procedure for advisory opinions, which is the only procedure provided for in the Charter, does not in fact cover the cases referred to in Article 36, paragraph 2, sub-paragraphs (c) and (d) of the Statutes of the International Court of Justice.