Proposed draft for Article 38, paragraph 2

The Delegation of the United States proposes the following substitution for paragraph 2 of Article 33 (formerly Article 36) (E/PC/T/139) as a reconciliation of the points of view expressed in Alternatives A and B of that paragraph as shown in document E/PC/T/139. It is understood that a number of other Delegations are in substantial agreement with this text.

"Any resolution of the Conference under paragraph 3 of Article 87 or decision of the Conference under any other Article of this Charter shall be subject to review by the International Court of Justice through the means of a request by the Organization for an advisory opinion pursuant to the Statute of the International Court of Justice. The request for review of such resolution or decision shall be made by the Organization, in appropriate form, upon the instance of any substantially interested Member."