

Swedish alternative proposal

FOR PARTICIPANTS ONLY

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ENGLISH

Conference of Plenipotentiaries
on the Protection of the Ozone Layer

Vienna, 18-22 March 1985

Article 11

SETTLEMENT OF DISPUTES

(Proposed by Sweden)

1. In the event of a dispute between contracting Parties concerning the interpretation or application of this Convention the Parties concerned shall seek solution by negotiation.

2. If the Parties concerned cannot reach agreement by negotiation, they may seek the good offices of, or jointly request mediation by, a Third party.

3. If the Parties concerned cannot reach agreement by the means set out in paragraphs 1 and 2 above in a reasonable time, the dispute shall upon the request of any Party be submitted to the following means of settlement as compulsory:

(A) Arbitration in accordance with the procedure set out in Annex ... of this Convention;

(B) Submission of the dispute to the International Court of Justice.

4. When signing, accepting, approving or ratifying the present Convention or acceding to it any State or regional economic integration organization referred to in Article 12 may declare (in writing) that it does not consider itself bound by one or both of the compulsory dispute settlement means as laid down in paragraph 3.

5. If the Parties have not, in accordance with paragraph 3 and 4 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with paragraph 6 below unless the Parties otherwise agree.

6. A Conciliation Commission shall be created upon the request of one of the Parties. The Commission shall be composed of an equal number of members appointed by each Party concerned and a chairman chosen jointly by the members appointed by each Party. The Commission shall render a final and recommendatory award, which the Parties shall consider in good faith.

7. The procedures set out in this Article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.